



THE JANE LANE SCHOOL

COMPLAINTS POLICY & PROCEDURE

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Overview

The school complaints procedure is informed by '**Best Practice Advice for School Complaints Procedures 2016 – Departmental advice for maintained schools, maintained nursery schools and local authorities – January 2016**'

The school has obligations and duties in relation to **Section 29 of the Education Act 2002**. This Procedure sets out how we will meet our obligations and duties under the Act in a way that demonstrates good practice. It deals with all complaints relating to the school and to any community facilities or services that the school provides. Our aim is for the Procedure to be robust and effective.

The prime aim of the school's policy is to resolve any complaint as fairly and speedily as possible.

Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

Malicious complaints may incur appropriate action by the school.

Most concerns or complaints are of a general nature and are dealt with by the school.

However, concerns or complaints about any of the following issues should be made in writing to Walsall Children's Services.

- Delivery of the national curriculum
- School admissions or exclusions
- Special educational needs assessment
- Provision of religious education and collective worship
- Delivery of disability services

(NOTE: For further information, see the section below: **Complaints not in scope of the procedure)**

All other complaints should be taken up with the school.

Introduction

The majority of issues raised by parents, students or the community are concerns rather than complaints. The school is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. The prime aim of the school's policy is to resolve the complaint as fairly and speedily as possible.

What is a Complaint?

The difference between a concern and a complaint

We recognise the difference between a concern and a complaint (taking informal concerns seriously will reduce the numbers that develop into formal complaints);

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be generally defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The school will take informal concerns seriously and make every effort to resolve the matter as quickly as possible. At the earliest stage we will ask the complainant what they think might resolve the issue.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this procedure (see 3 Stage Complaint Procedure later).

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions). The school does not limit complaints to parents or carers of children that are registered at the school.

Our Complaints Procedure

NOTE:

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. *'Understanding and Dealing with Issues Relating to Parental Responsibility'* contains specific advice about how to properly approach issues concerning parental responsibility.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489901/Parental_Responsibility_Advice_for_School_January_2016.pdf

The school will ensure the complaints procedure:

- encourage resolution of problems by Informal means wherever possible;
- is easily accessible and publicised;

- is simple to understand and use;
- is impartial;
- is non-adversarial;
- enables a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.
- allow swift handling with established time-limits for action and keeping people informed of the progress;

Timeliness

Complaints will be considered and resolved as quickly, and efficiently as possible:

You can expect the school to:

- Set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay);
- Understand that the Department for Education does not consider excessive time limits to be reasonable or acceptable, except in extenuating circumstances;
- Expect complaints to be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint);
- Ensure that, if the policy includes a cut-off timeframe, the school will consider exceptions and that their complaint procedure reflects this. The school will not refuse to consider any complaints not lodged within the stated period.

Stages

NOTE:

Complaints against the head teacher (Mr T Milovsorov) are usually first dealt with by the Chair of Governors (Mr B Powell). Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body (Mrs C Clarke).

Recording Complaints

The school will comply with its obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and the school will allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- The school will record the progress of the complaint and the final outcome. The head teacher or complaints co-ordinator is responsible for these records and hold them centrally.

NOTE:

Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Governing Body Review

- Complaints will not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The school will consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the school will look to identify underlying issues that need to be addressed. The monitoring and review of complaints will be a useful tool in evaluating a school's performance. The governing body will review complaints and their handling to inform improvements and the effectiveness of the complaints procedure;
- The governing body will review the complaints procedure every two years enabling the school to take into account any new guidance issued by the Department for Education or legislative changes. The review will be undertaken by the full governing body.

Complaints not in scope of the procedure

- Our complaints procedure does cover all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (Walsall LA). For school admissions, it will be the LA.</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>

<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>
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Serial and Persistent Complainants

The school will do its best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, the school will need to act appropriately.

We recognise that there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If we recognise that we really have done everything we can in response to the complaint, then the Chair of Governors can inform the complainant that the procedure has been completed and that the matter is now closed.

When is it time to stop responding?

The decision to stop responding will never be taken lightly. We will ensure that we are able to say yes to all of the following:

- We have taken every reasonable step to address the complainant’s needs;
- The complainant has been given a clear statement of the school’s position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.
- We have reason to believe the individual is contacting us with the intention of causing disruption or inconvenience - having said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

NOTE:

The school will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent. Complainants have a right to have any new complaint heard.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen’s Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps.

Once we have decided that it is appropriate to stop responding, we will let the complainant know; ideally, through a hard copy letter and/or an email.

Policy for Unreasonable Complainants

The Jane Lane School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate

unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Jane Lane School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint: -

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Jane Lane School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the Jane Lane School.

Barring from the School Premises

Although fulfilling a public function, the school is a private place. The public has no automatic right of entry. The school will therefore act to ensure it remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the school can ask him/her to leave school premises. In serious cases, the head teacher will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the head teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of the school.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to: Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

The following details outline the stages that can be used to resolve complaints:

The school operates a three stage Complaints Procedure:-

- Stage 1 – A concern is raised informally with staff member/Head Teacher
- Stage 2 – Formal complaint is heard by Chair of Governors
- Stage 3- Complaint is heard by Governing Body's Complaints Appeal Panel.

Stage 1 Raising a concern

Concerns can be raised with the school at any time and will usually result in a speedy response, which will resolve the concern. The school requests that parents make their first contact with the Class Tutor, Senior Management Team member or Headteacher. Sometimes the concern raised will require investigation or discussion with others, in which case you will receive an initial response within a day or two and, if required, a subsequent substantive response.

Stage 2 Formal complaint.

If you wish to make a formal complaint, please write to the Chair of Governors stating that you wish to make a formal complaint. Your letter should state details of the complaint and the outcome that you are seeking. The Chair will acknowledge receipt of the complaint and will then investigate the complaint with the school.

The investigation will be undertaken by the chair or a person appointed by the chair and acting on the chair's behalf. The nature of investigation will vary according to the complaint but may involve:

- Establishing **what** has happened so far and who has been involved;
- Clarifying the nature of the complaint and what remains unresolved;
- Meeting with the complainant or contact them (if unsure or further information is necessary)
- Clarifying what the complainant feels would put things right;
- Interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conducting the investigation with an open mind and be prepared to persist in the questioning;
- Keeping notes of the interview.

The chair will write to the complainant following the investigation and will outline his findings.

If you remain dissatisfied you will need to let the school know within 10 school working days of receiving the chair's findings on the complaint. Your complaint will then be considered by a panel of governors.

Stage 3- Formal Complaint

The final stage will involve a panel of Governors.

The Governors appeal hearing is the last school-based stage of the complaints process.

The aim of the appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. The hearing will normally take place within 10 working days of the receipt of the written request.

The panel will consider the chair's investigation and report and will also consider the representations of the complainant. All parties will be notified of the panel's decision in writing within three school working days after the date of the hearing.

The Governors appeal hearing is the last school-based stage of the complaints process. If you believe that the Governing Body has acted unreasonably or has failed to carry out its statutory duties you may take your complaint to the Secretary of State for Education. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority, acting with due regard to its statutory responsibilities, would have reached that decision.

Appendix – Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;

- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

When interviewing people best practice will be followed:

Children/young people

- Children/young people will be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not

always be possible to conduct an interview in case it prejudices a LADO or police investigation.

- Care will be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people will be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Useful Resources and External Organisations

- National Governors Association
- Information Commissioner's Office

Other Relevant Departmental Advice and Statutory Guidance

- Section 29 of the Education Act 2002
- Governors Handbook
- Understanding and Dealing with Issues Relating to Parental Responsibility

Other Departmental Resources

- • How to complain about a school - Advice for complainants
- • Parental Responsibility Guidance – non-statutory advice for schools

Summary of dealing with Complaints

