John of Gaunt Infant and Nursery School

Policy and procedures for handling concerns and complaints

This policy sets out our procedures for dealing with concerns and complaints. Some complaints, Admissions, the National Curriculum or Special Educational and Disability needs for example, are covered by statutory regulations. The Head teacher can give information about these issues or advice can be sought from the Customer Service Centre on 0844 800 8001 or e-mail: information@norfolk.gov.uk. For a complete list see the appendix to this document.

This policy and procedure document has been produced in the light of advice issued by the Department for Education in *Best Practice Advice for School Complaints Procedures 2016.*

Our Complaints Policy is issued to all families as part of the registration process. It is also available via our website.

This school's aims and values

To provide a broad and balanced curriculum, which meets all the statutory requirements, in and interesting and motivating way

To encourage sensitivity, tolerance, care and consideration towards each other

To provide a safe and stimulating environment, and the opportunities which encourage children to do their best, and become independent learners

To ensure children's contributions and work are valued, so that they develop confidence and a positive self-image

To encourage everyone to value and appreciate the school environment, and to respect their own and each other's property

To assess children's learning, and ensure that individual needs are met so that all children achieve their potential

To provide equality of opportunity and regard for everyone

To foster and develop the school's relationship with the parents and carers and the community in general

This policy helps us to meet those aims by making clear our approach to dealing with any concerns that may arise.

The difference between a concern and a complaint

- 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’.

- The governors of this school are committed to the view that it is in everyone’s interest that complaints are resolved at the earliest possible stage. It is expected that many issues can be resolved informally, without the need to invoke formal procedures.

- This school does, however, take all informal concerns seriously and makes every effort to resolve them as quickly as possible.

- The governors of this school recognise that 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 the procedure as outlined below.

Who can make a complaint?

Any person, including members of the general public as well as parents or carers of children that are registered at this school, may make a complaint about any provision of facilities or services that this school provides; if separate statutory procedures apply, such as exclusions or admissions, there are separate statutory procedures (see above).

Nursery complaints

Where parents/carers are not satisfied that their child is receiving the free entitlement in the correct way (as set out in the funding agreement and in Early Education and Childcare Statutory guidance for local authorities), a complaint can be submitted directly to the headteacher.

INTRODUCTION

It is hoped that it will usually be possible to resolve problems by informal means but it is also understood that there are occasions when complainants would like to raise their concerns formally. The governors of John of Gaunt Infant and Nursery School have agreed the following procedures to address concerns and complaints. It is designed to

• be easily accessible and publicised;

• be simple to understand and use;

• be impartial;

• be non-adversarial;

• enable a full and fair investigation by an independent person where necessary;

• respect people’s desire for confidentiality;

• address 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.

GENERAL PRINCIPLES

• This procedure is intended to allow people to raise a concern or complaint relating to the school, or the services that it provides.

• An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

• To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered, though exceptions will always be considered.

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

LEVELS	What will happen
Level 1 – informal Complaints and concerns should, in the first instance, be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information and resolve the matter. Often this will be the class teacher. It is best to resolve issues at this point.	Concerns will initially be handled informally in a manner that offers the best way of resolving issues. The individual member of staff will offer an appointment to discuss the issue as soon as possible. The school will make sure that both parties are allowed time to talk about it without being interrupted. This can allow parties to remain polite, respectful and calm. It also shows the school's commitment to resolving issues. Both parties to the concern will be encouraged to offer their view of what would be a realistic resolution to the problem. Notes of the meeting will be recorded whether or not the issue is resolved at this point. They will be signed, dated and stored appropriately.
Level 2 - informal If the issue remains unresolved you should ask for a meeting with the Head teacher. Once again the school will seek to resolve the problem. If a resolution still cannot be found, the Head teacher or any other member of the school's leadership team may speak to a single member of the governing body and ask them to intervene informally. However, there is no obligation on any governor to become involved at this level. It may also be necessary to ask for information or support from a	It is always best to resolve issues informally at the earliest possible time but if the complainant (s) is not satisfied with the result of previous discussions they can ask for an appointment to meet and discuss the matter further with the Head teacher. It is in everyone's interests, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly. The aim is always that discussions end on a positive note with no bad feeling. If the Head teacher seeks help from a governor and/or from a representative from Children's Services, the purpose will be to bring the matter to a resolution which is acceptable and agreed by all parties. After investigation and discussion about the concern or complaint the Head teacher will write a letter to the

Children's Services representative. The issue that is the focus of the complaint will determine the person contacted. The Head teacher or member of the leadership team, will know who to ring or the Customer Service Centre will be able to offer information on 0844 800 8001 or email:information@norfolk.gov.uk	complainant summarising what has been agreed. It is hoped that most problems will have been resolved by now.

Level 3 – formal complaint letter to Head teacher

An issue that has not been resolved through the informal levels 1 and 2 can become an official, 'formal' complaint.
All complainants wishing to move to level 3 must write a formal letter of complaint to the Head teacher. The letter will need to set out clearly the issues which have previously been discussed and why they consider the issue to be unresolved.
The Head teacher will consider the complaint and discuss a resolution with the complainant. The Head teacher will offer a resolution to the complainant in writing within 10 school days of receipt of the letter.
It is important to understand that a decision made by the Head teacher, but with which the complainant does not agree, does not become a complaint about the Head teacher.

Concerns or complaints specifically about the Head teacher.

If the concern or complaint is specifically about the Head teacher the complainant should still go through the informal stages. If the matter is not resolved after this then the complainant should make a formal complaint to the Chair of Governors. The school office will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and will contact a Governor Support Service Officer for advice.

Level 4 – formal complaint requesting a Governors' Complaints Panel

Complainants who do not feel that their complaint has been addressed at Level 3 and who then wish to take the matter further will need to write a letter to the Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of the last meeting with the Head teacher concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope 'urgent and confidential'. The letter will need to set out the complaint that has previously been formally discussed with the Head teacher and show why the matter is not resolved.

Level 4 - time scales

- The complainant's letter will be acknowledged within 5 school days of receipt.
- Written documentation will be sent to the complainant, the Head teacher and members of the Governors' Panel 5 school days before the meeting is set.

- A Governors' Panel meeting will be held within 15 school days of receipt of the complainant's letter requesting the meeting. If term dates do not allow this the meeting will take place within 10 days of the school re-opening.
- The Governors' Panel decision will be communicated to all concerned within 10 school days of the meeting.

Governors' Panel meetings

Before the meeting
The Chair of Governors, or Vice-Chair in the Chair's absence, should appoint a clerk to the Governors' Complaints Panel.
Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel.

The Head teacher should be given a copy of the complainant's letter and written documentation should be requested from the school. The clerk should send both the complainant's letter and the school documentation to the Governors' Complaints Panel members, complainant and Head teacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Head teacher will be invited to attend the Governor's Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting
- The Complaints Panel must be made up of at least three members and a clerk.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Everyone attending should be in the room at the same time
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The clerk should take notes of the meeting, listing who is present and their role in the meeting.
- The chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the complainant's point of view.
- The chair of the Governors' Complaints Panel should request a verbal statement from the Head teacher (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the Head teacher's point of view.
- The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The chair of the Governors' Complaints Panel must ask the complainant and the Head teacher (or his/her representative) if they are satisfied that they have provided

all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Governors' Complaints Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

After the meeting

- The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.
- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child, children or complainant.
- When the Panel has reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting.

The decision of the Governor's Complaints Panel is final.

Thereafter

Once a Governor's Complaints Panel has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the chair of governors should inform the complainant that the matter is closed.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact a Children's Services Officer for assistance. In this case he/she should ring Customer Services on 0844 800 8001 who will arrange for an officer to get back to him/her.

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 schools.

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.

Please note

Staff conduct

- Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential.

Extended Schools

- The governing body should ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. Governors would need to have a discussion around, and make a decision about, what happens when the third party provider's complaints process is exhausted and the matter is not resolved and whether it should then be referred to a Governors' Complaints Panel. This would ensure that the Governors are kept aware of complaints about provision.

POLICY FOR UNREASONABLE COMPLAINANTS

(Model Policy, DfE 2016)

John of Gaunt Infant and Nursery 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.

John of Gaunt Infant and Nursery 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 John of Gaunt Infant and Nursery 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 John of Gaunt Infant and Nursery School.

Barring from the School Premises

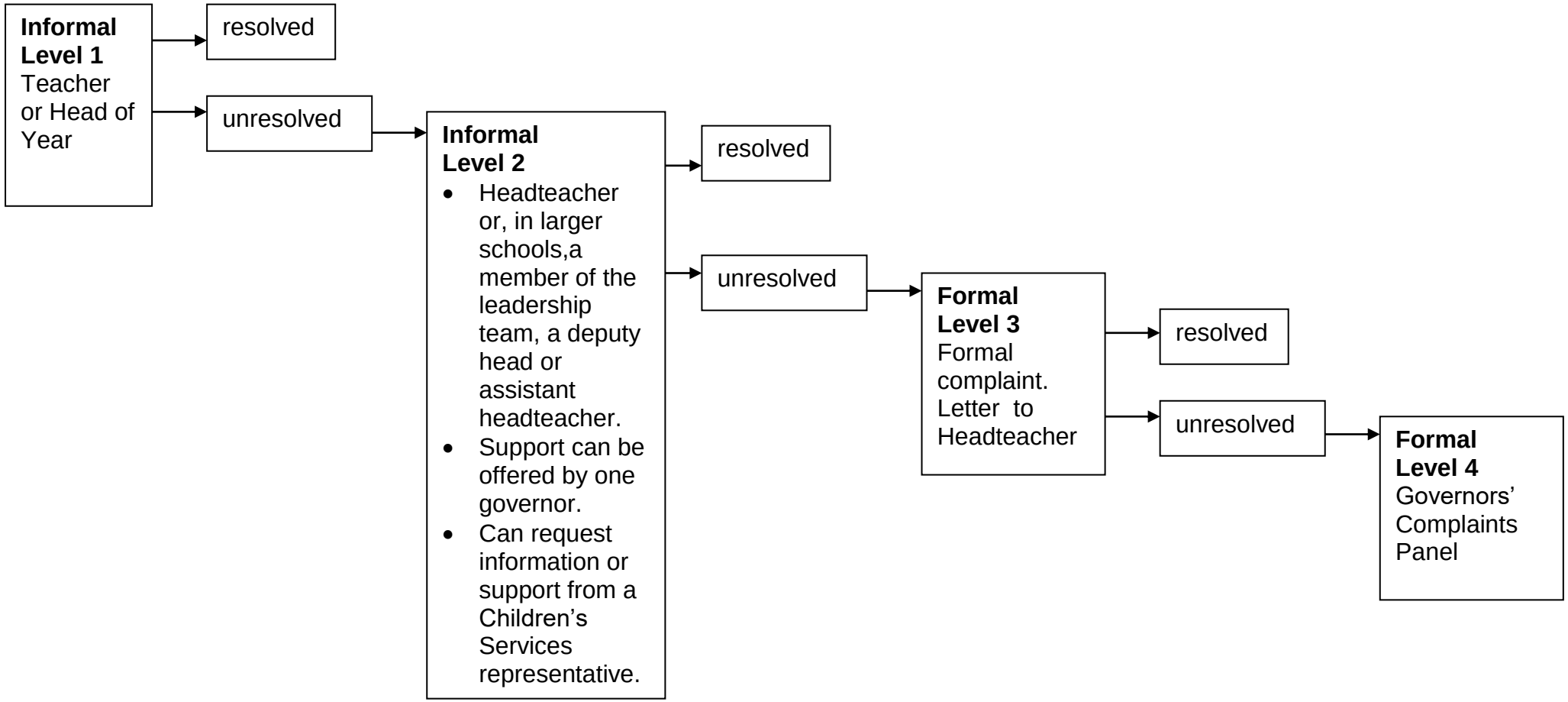
Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head teacher or the local authority can 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. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should 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.

Appendix

Complaints not in scope of the procedure
A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate, statutory procedures.

Exceptions	**Who to contact**
• Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing	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.
• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Flowchart of procedure for handling concerns and complaints: