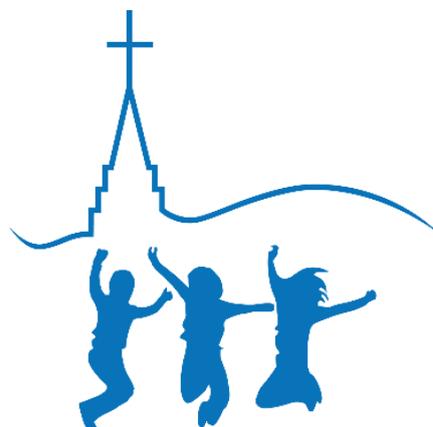


# A St. Michael's CofE (VA) Junior School Policy



St. Michael's CE (VA) Junior School

**By God's Love, we all flourish together**

*At St Michael's, by God's love and through our Christian values of Love, Faith, Respect and Courage, we celebrate uniqueness and nurture curiosity, enabling each child to flourish on their own rich learning journey, whilst contributing to the wider community.*

## Complaints and Concerns Policy

(incorporating our Policy for Managing Serial and Unreasonable Complaints)

Reviewed by Headteacher:	March 2021
Ratified by Full Governing Body:	24/03/21
To be reviewed:	Spring 2024

## Introduction

This policy outlines the procedures linked to both concerns and complaints.

### 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 defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

St Michaels CofE (VA) Junior School endeavours to provide the best education possible for all its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns and complaints are raised, the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly

In order to do so, the governing board of St Michaels CofE (VA) Junior School has approved the following procedure which explains what you should do if you have any concerns or a complaint about the school. All members of staff will be familiar with the procedure and will be able to assist you.

## Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; please see the school's admissions policy or contact School Admissions, Essex County Council
- Pupil exclusions; please see the school's Behaviour Policy.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Subject Access Requests and Freedom of Information Requests – please see the school's GDPR and Freedom of Information policy

## Raising concerns

The majority of concerns can be dealt with without resorting to the formal complaints procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher or the KS2 leaders and then the Deputy then the Headteacher, via the phone or in person. Ideally, they will be able to address your concerns on the spot or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR). However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

## Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy which can be found at [www.st-michaels-jun.essex.sch.uk/policies](http://www.st-michaels-jun.essex.sch.uk/policies)

## Social Media

In order for complaints to be resolved as quickly and fairly as possible, St Michaels Cof E (VA) Junior School requests the complainants do not discuss complaints publicly via social media such as Facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

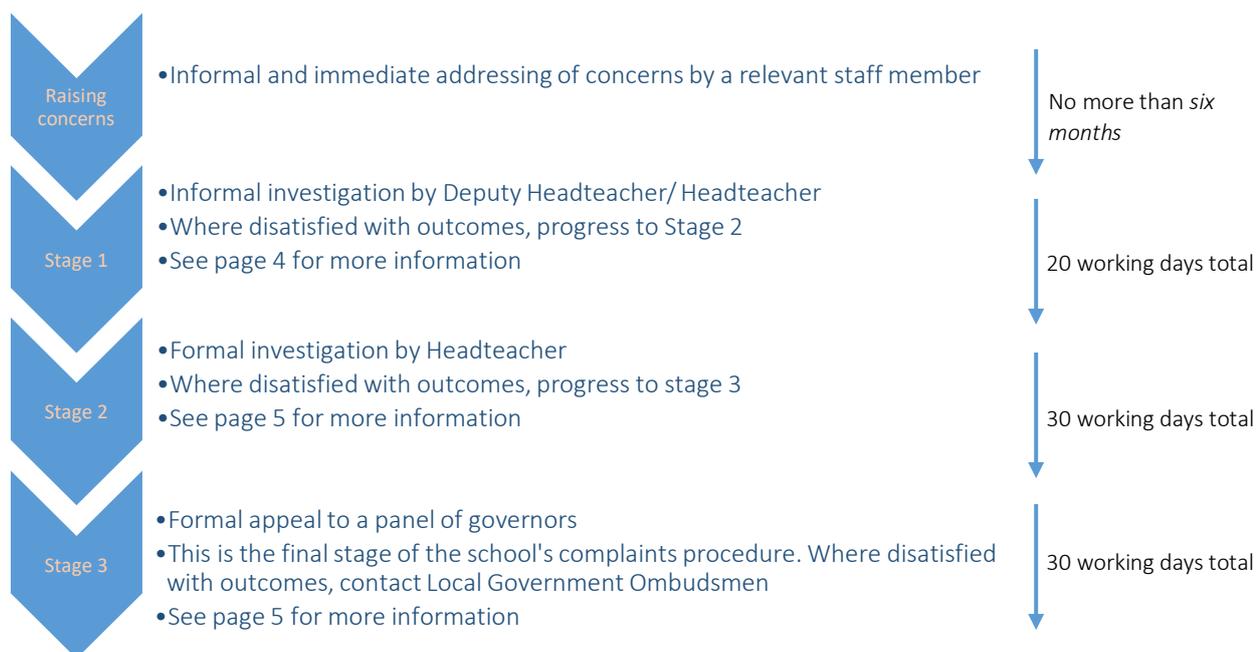
## Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

## Procedure

At each stage in the procedure, St Michaels wants to resolve the complaint. If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below. When responding to a complaint, the school will advise the complainant of the escalation options at each stage of the procedure.

## Timeline



## Timeframes

St Michaels CofE (VA) Junior School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant, verbally or in writing, as soon as possible and come to an agreed timeframe that works for all parties involved. Owing to the complexity of the investigation an extension may be sought from legal services

St Michaels CofE (VA) Junior School reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Who should I approach?

Educational matters: Class teacher, Upper and Lower KS2 leader, Deputy Head, Headteacher

Pastoral care: Mrs Cullen, Pastoral Care Manager

Disciplinary matters: The staff member involved in the disciplinary action

Financial/Administration matters: School Business Manager

Complaint about a staff member's conduct: The Headteacher

**Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 3 of the procedure.**

## Complaints about the headteacher or the governors

Where a complaint regards the headteacher, the complainant should first directly approach the headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the chair of governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the chair of governors as the individual responsible for the investigation rather than the Headteacher.

Where a complaint regards a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair will mediate any proceedings.

## Stages of the Complaint

### Stage 1 – Informal investigation by SLT/Deputy Headteacher/Headteacher

Where, as a result of raising a concern, the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the Deputy Headteacher/Headteacher via the school office in writing or by A phone call – a complaint form is attached to this policy and can be used.
2. The complainant must explain in writing or verbally
  - An overview of the complaint so far
  - who has been involved
  - why the complaint remains unresolved
  - action they would like to be taken to put things right.
3. The Deputy Headteacher/ Headteacher will respond within five school days by letter or email (excluding those which fall in the school holidays) of having received the complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a *school governor*, the Deputy Headteacher/ Headteacher will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
5. At the conclusion of their investigation, the Deputy Headteacher/other member of senior staff will provide written confirmation of the outcome of the investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process and launch a formal written complaint.
6. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).

### Stage 2 – formal investigation by Deputy Headteacher/Headteacher

1. The complainant may submit a formal complaints form to the Deputy Headteacher/Headteacher (a complaint form is attached to this policy and can be used).
2. The Deputy Headteacher/Headteacher will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.

4. The Deputy Headteacher/Headteacher will consider all relevant evidence; this may include but is not limited to:
  - a statement from the complainant,
  - where relevant a statement from an individual who is the subject of the complaint
  - any previous correspondence regarding the complaint
  - any supporting documents in either case
  - interview with anyone related to the complaint.
5. The Deputy Headteacher/Headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the Headteacher can:
  - Uphold the complaint and direct that certain action be taken to resolve it
  - Reject the complaint and provide the complainant with details of the stage three appeals process
  - Uphold the complaint in part: in other words, the Headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The Headteacher must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the Chair of Governors.

### Stage 3 – appeal – review by the school Governing board

If the complainant wishes to appeal a decision by the Headteacher at stage 2 of the procedure, or they are not satisfied with the action that the Headteacher took in relation to the complaint, the complainant is able to appeal this decision within ten school days on receipt of the stage 2 response. Investigating any decision after ten school days will only be considered in 'exceptional circumstances'.

They must write to the Chair of Governors (see the contact details at the end of the procedure) as soon as possible after receiving notice of the headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The Clerk, on behalf of the Chair, will fulfil the role of organising the time and date of the appeal/meeting (within twenty school days of receipt of the stage 2 request), inviting all the attendees, collating all the relevant documentation and distributing this, five school days in advance of the meeting, recording the proceedings in the form of minutes and circulating these and the outcome of the meeting. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complainant must request an appeal meeting within 4 weeks of receiving the Headteacher's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The Clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal and detail further action to be taken.
2. The Clerk will convene a panel of two. Both panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
  - the complainant
  - the Deputy Headteacher/ Headteacher who dealt with the complaint at Stage 2
  - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is able to bring a companion with them to the meeting if they wish. The companion will be a friend with the sole purpose to offer support to the complainant. Neither party is able to bring legal representation with them and representatives from the media are not permitted to attend. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

This meeting is private and confidential. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent, to recordings, of all parties attending must be sought before meetings or conversations take place. Consent will need to be recorded in any minute taking (DfE 'Best practice guidance for school complaints procedures'). In line with the school's data controls, complainants will not record meetings if it's not required, in line with the above and consideration has to be given to the fact that there may be various levels of identifiable personal information recorded which could be lost or leaked.

Complainants must ensure they obtain informed consent from all parties present before recording conversations or meetings and recordings of conversations covertly obtained and brought to a meeting, without informed consent, will not be accepted by the school unless exceptional circumstances apply.

If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of governing body who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
  - Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part

- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

## Unreasonable and serial complaints

### Criteria:

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light. The complaint can not be deemed as 'serial' until the complainant has completed the complaints procedure unless the school possess clear evidence that the complaint meets our 'serial' complaint criteria (see policy).

If a complainant persists in raising the same issue, the correspondence may then be viewed a 'serial' and/or 'persistent' (Policy for Managing Serial and Unreasonable Complaints), the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints (see policy below) include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair upholds the Headteacher's decision not to investigate the complaint and the complainant deems this decision, to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

We will not normally investigate anonymous complaints unless the Headteacher/Chair of Governors determines the complaint warrants an investigation.

## Policy for managing serial and unreasonable complaints

### Note:

This policy has been adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

St Michaels CofE (VA) Junior School is committed to dealing with all complaints fairly and impartially and providing a high-quality service to those who complain.

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.

St Michaels CofE (VA) Junior School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainants contact with the school, such as, if the complainant:

- 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 complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence

- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it, the school may receive complaints that the school consider are 'vexatious' which are considered as follows:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from [St Michaels CofE \(VA\) Junior School](#).

### When to stop responding

We will not normally limit the contact complainants have with our school however, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

If a complainant tries to re-open the same issue, the Headteacher/Chair of Governors will inform them that the procedure has been completed and that the matter is now closed. If contacted again, on the same issue, the correspondence will be viewed as 'serial' or 'persistent' and the Headteacher may choose not to respond. The application of a 'serial' or 'persistent' marking will be against the subject of the complaint, not the complainant.

If St Michaels Junior school feel:

- they have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options
- the complainant contacts the school repeatedly, making substantially the same points each time
- the complainant's letters, emails or telephone calls are often or always abusive or aggressive
- the complainant makes insulting personal comments about or threats towards staff
- the school have reason to believe that the complainant is contacting the school with the intention of causing disruption or inconvenience

For complainants who excessively contact [St Michaels CofE \(VA\) Junior school](#) causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a [Communication Strategy Plan](#). This will be reviewed after six months.

## Communication Strategy Plan for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether they have raised a complaint, schools can implement a tailored communication strategy. In consultation with the LA Legal services, St Michaels CofE (VA) Junior school will:

1. restrict the individual to a single point of contact via an email address which will only be viewed once a week by a named member of staff
2. limit the number of times that the individual can make contact which is fair and proportionate (fixed number of contacts per term). Phone calls made to the school will be restricted to only those directly linked to the day-to-day child's attendance and wellbeing.
3. New complaints will be responded to in line with the 'Concerns and Complaints Policy'.

St Michaels Cof E (VA) Junior School will write to the individual outlining this communication strategy plan in detail.

If the individual persists to the point that may constitute harassment the school will seek legal advice from the Local Authority to pursue injunctions and court orders preventing the individual from contacting the school directly.

### Barring from the school premises – (see [Managing Violent and Abusive Visitors Policy](#) for letter templates)

Schools are private settings and St Michaels Junior school is private property. The Headteacher and Governing Body need to act to ensure that it remains a safe place for pupils, staff and other members of the community.

If an individual's behaviour is a cause for concern, any individual can be asked to leave the school premises. In some cases, individuals can be barred from entering the school premises but would still be able to express their views in writing.

If an individual is barred this should be communicated in line with our 'Managing Violent and Abusive Visitors' policy and explicitly communicated that accessing the school premises will then be considered as trespassing and the police will be informed.

### Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Chair of Governors, c/o St. Michael's Junior School.
- If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact the DfE on 0370 000 2288 [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)
- Ofsted will also consider complaints about schools.

### Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 <https://www.gov.uk/government/collections/data-protection-act-2018>

The Education (Independent School Standards) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*

<https://www.gov.uk/government/publications/school-complaints-procedures>

## St. Michael's Junior School Formal Complaints Form

Name	
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Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:

Date:

<i>Official use</i>	
Date received:	Signed: