

# Parkstone Grammar School



## COMPLAINTS POLICY

---

<b>DATE APPROVED</b>	March 2017
<b>APPROVED BY</b>	Personnel and Training Committee
<b>NEXT REVIEW</b>	2019-20
<b>TYPE OF POLICY</b>	Statutory



## Parkstone Grammar School Complaints Policy

### Aims of Policy

The Education (Independent School Standards) Regulations 2014, summarized in Annex A, states that all Academies have to have in place a procedure to deal with complaints relating to the School and to any community facilities or services that the School provides.

### Equal Opportunities

Parkstone Grammar School aims to value and respect all students equally and to provide equality of opportunity wherever possible. This policy ensures that any breaches of the school's equality duty can be reported and investigated fairly.

### Safeguarding

Parkstone Grammar School is committed to the safeguarding of its students and would encourage any stakeholder to use this, or another policy, where they feel the safety of students or staff has not been maintained.

### Core School Values

We want to support every child to reach their potential and therefore it is important that stakeholders use this policy where they feel the school may not have fulfilled this duty.

### Linked Policies

- Safeguarding Policy
- Grievance Policy
- Information Handling Policy

### What areas are covered in this policy?

This policy outlines the detailed procedures for making a complaint to Parkstone Grammar School and how this complaint will be dealt with and what the complainant can expect to receive within timeframes.

### Complaints Procedure

#### 1. Framework of Principles

Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be non-adversarial;
- be easily accessible and simple to understand and use;
- ensure that all complaints are taken seriously and dealt with impartially and sensitively;
- allow swift handling with established time-limits for action and keep people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary; all complaints should be dealt with in confidence;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;



- provide information to the School's senior leadership team so that services can be improved.

## **2. General Procedures**

The following diagram outlines the key stages of our complaints procedure

Stage 1 Raising a concern

Stage 2 Formal complaint - referral to Headteacher

Stage 3 Referral to the Chair of Governors

Stage 4 Review by the Governors' Complaints Panel

Stage 5 Referral to the EFA

Stage 6 Referral to the DfE

## **3. Dealing with Complaints**

### **3.1 Stage 1 – Raising a Concern**

Concerns can be raised with the School at any time and will generate an immediate response, which will resolve the concern. If the complaint relates to a student, in the first instance contact should be made with your daughter's class room teacher or form tutor. Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides. In the first instance, complaints, not directly related to an individual student, should be addressed to [enquiries@parkstone.poole.sch.uk](mailto:enquiries@parkstone.poole.sch.uk).

Initial concerns or queries may be received by letter, email, telephone or in person. Concerns taken seriously at the earliest stage, will reduce the numbers that develop into formal complaints. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

On some occasions the concern raised may require investigation or discussion with others. The outcome of this investigation will be notified as soon as possible. It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

### **3.2 Stage 2 – Formal Complaint**

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All formal complaints must be received in writing, addressed to the Headteacher.



On receipt of the complaint the Headteacher will inform the person / people concerned and initiate an investigation. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Once all of the facts have been established, the Headteacher will either produce a written response to the complainant, or decide to meet the complainant to discuss / resolve the matter directly. A written response should contain an outline of the complaint and a summary of the response to the complaint, including the decision reached and the reasons for it. Where appropriate, this should also include what response the School will take to resolve the complaint.

When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This will inform the complainant that should he / she wish the complaint to progress to the third stage of this procedure, he / she should then send a written request stating this to the Chair of Governors within 10 working days of receiving the response. If no further communication is received from the complainant within 10 working days, it is deemed that the complaint has been resolved satisfactorily.

If the complaint is an allegation of inappropriate behaviour with regard to children, the allegation will be handled in accordance with the Poole Multi-Agency Procedures and Guidance. If the complaint is an accusation of professional misconduct, then the School disciplinary procedures will be observed. In that event, Stages 3 – 6 will not apply.

### **3.3 Stage 3 – Review by the Chair of Governors**

If the complainant does not feel the matter has been resolved fully he /she must submit a written request to the Chair of Governors for their complaint to be further considered. This request will be acknowledged within 10 School days. A written statement outlining the decision of the Chair of Governors will be sent to the complainant and the Headteacher within 10 School days after the acknowledgement.

### **3.4 Stage 4 – Complaint Heard by Complaints Panel**

If a complainant is not happy with the outcome of stage 3 they need to write to the Clerk to the Governors giving details of the complaint within 5 working days. The Clerk to the Governors will write to the complainant acknowledging receipt of the written request for the complaint to be heard by a Complaints Panel. This acknowledgement must be sent within 5 working days. The composition and remit of the Complaints Panel, the role and responsibilities of the clerk and the Chair of the Complaints Panel are summarised in Annex A.

The Clerk to the Governors will forward arrangements for hearing the complaint within 20 working days of receiving it. The letter will explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received at least 5 working days before the date of the hearing to allow adequate time for the documents to be circulated. No person involved should have previous involvement in the complaint.



The Clerk to the Governors will write and inform the complainant and any witnesses, the Panel and Headteacher of the date and location of the meeting 10 working days in advance of the hearing. The notification to the complainant will also inform him / her of the right to be accompanied to the meeting by a friend / interpreter. The letter will explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel, and their right to be accompanied to the hearing. The Headteacher has the right to bring representation if so desired.

The Complaints Panel hearing is the last School-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.

### **Notification of the Panel's decision**

The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response; this will usually take place within five working days.

### **3.5 Stage 5 - Referral to the EFA**

If the complainant feels that the decisions taken by the Panel do not redress the matter, there is a further option to notify the EFA (Education Funding Agency). The EFA will not usually investigate complaints until the School's entire Complaints Procedure has been exhausted. The EFA cannot review or overturn decisions about complaints made by Academies. They can only investigate whether the Academy considered the complaint appropriately. If the EFA finds that an Academy did not consider a complaint appropriately it can request the Academy to reconsider the complaint.

The EFA will investigate complaints about:

- undue delay or non-compliance with published complaints procedures;
- allegations that the School has acted unlawfully or failed to comply with a contractual duty imposed on it under its Funding Agreement with the Secretary of State or any other legal obligation.

The EFA will not investigate complaints about:

- examination results or curriculum content where a more appropriate form of redress would be the examining body or Ofqual;
- statements of special educational needs where there is an appeal to the First-tier Tribunal (SEND);
- matters that are the subject of legal action.

The EFA will not usually investigate complaints more than twelve months after the decision or action was taken unless the complainant has good reason for the delay in making the complaint.

Contact details for Academies Complaints

On-line:



<https://www.gov.uk/government/organisations/education-fundingagency/about/complaints-procedure>

By post:  
Academies Central unit (Academy Complaints)  
Education Funding Agency  
Earsldon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

e-mail: [complaints.efa@education.gsi.gov.uk](mailto:complaints.efa@education.gsi.gov.uk)

### **3.6 Stage 6 - Referral to the DfE**

If a complainant is dissatisfied with the way in which the EFA has dealt with their complaint against an Academy, the complainant may complain to the Secretary of State. Contact details for the Department for Education

Ministerial and Public Communication Division  
Department of Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD  
Telephone: 0370 000 2288

## **4. General principles**

### **4.1 Investigating Complaints**

At each stage, the person investigating the complaint will ensure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and / or those complained of, allowing them to be accompanied if they wish;
- conduct any interviews with an open mind;
- keep written records of any interviews.

### **4.2 Resolving Complaints**

At each stage in the procedure the School will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:



- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review School policies in light of the complaint.

It would be useful if complainants consider what actions they feel might resolve the problem. An admission that the School could have handled the situation better is not the same as an admission of negligence.

### **4.3 Unreasonable Complaints**

If properly followed, the Complaints Procedure is expected to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. Please see Annex B.

## **Managing and Recording Complaints**

### **4.4 Complaints not in the scope of the procedure**

These are some areas not covered by the procedure for which there are other procedures or policies. The exceptions are as follows:

- School admissions
- Statutory assessments of Special Educational Needs (SEN)
- School reorganisational procedures
- Matters that may require a child protection investigation
- Exclusions
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about service provided by providers who may use the school premises or facilities

### **4.5 Recording Complaints**

Parkstone Grammar School will record the progress of the complaint and the final outcome. An informal complaint may be made in person, by telephone, or in writing. A formal complaint needs to be in writing. Please notify the school if help is needed with this. At the end of a meeting or telephone call, the member of staff involved will try to ensure that the complainant and the School have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written



response added to the record. The School will ensure that a copy of all correspondence and notes are kept securely and separate to the records of any students' personal records. All correspondence, statements and records are to be kept confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

#### **4.6 Published Procedure**

There is a legal requirement for the Complaints Procedures to be publicised. The School's Complaints Procedures is included on the School website.

#### **What must everyone do to enforce and uphold the policy?**

##### **Governors**

- Ensure that complaints are given a high priority in the school and is included in the strategic improvement plan if necessary.
- Governors should agree and approve the Complaints Policy.
- Governors should monitor and evaluate complaints to the school.

##### **Headteacher /LG**

- Formulate the draft Complaints Policy.
- Ensure a leadership structure is in place to manage complaints.
- Be vigilant in cases of complaints and patterns of complaints.
- Report to governors on complaints.

##### **Staff**

- Staff should set an example in upholding school policies and procedures to minimise complaints.
- Staff should adhere to the Complaints Policy if they receive a complaint direct from a stakeholder.

##### **Parents**

- Parents should use the Complaints Policy if they have a genuine concern about the school.

#### **How do we know if the policy is working and being upheld?**

- Governors will receive information about complaints that reach the level of Chair of Governors.
- Complaints are tracked and patterns identified and investigated.

#### **Who should people contact if they have a question about the policy or a suggestion for improvement?**

They should contact the Headteacher or Chair of the personnel and Training committee.





## Annex A

The Governing Body will nominate members to form a Panel of at least three with delegated powers to hear complaints. One of whom should be independent of the management and running of the school. At least 3 panel members must not be directly involved in the matter detailed in the complaint. The terms of reference for the Panel are to:

- draw up its procedures;
- hear individual complaints;
- make one or more of the recommendations below as a result of complaints.

### **The remit of the Complaints Panel**

The Panel can:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or 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.

### **Roles and Responsibilities**

#### **The role of the Clerk**

The clerk will be the contact point for the complainant and is required 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 and notify all parties of the Panel's decision.

#### **The role of the Chair of the Complaints Panel**

- is to check that the correct procedure has been followed;
- if a hearing is appropriate, to notify the clerk to arrange the Panel;
- to explain the remit of the Panel to the parties and each party has the opportunity of putting their case without undue interruption;
- to ensure the issues are addressed;
- key findings of fact are made;
- to put parents and others who may not be used to speaking at such a hearing at ease;
- to ensure that the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- to ensure the Panel is open minded and acting independently;
- to ensure that no member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- to ensure each side is given the opportunity to state their case and ask questions, written material is seen by all parties
- If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.



### **Checklist for a Panel hearing**

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the School's actions and be followed by the School's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the School's actions and response to the complaint.
- The Chair explains that both parties will hear from the Panel within five working days. Both parties leave together while the Panel decides on the issues.



## Annex B

Parkstone Grammar 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.

Parkstone Grammar 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 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 asking them to change it. For complainants who excessively contact Parkstone Grammar 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 Parkstone Grammar 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 Headteacher 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 Headteacher 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.