LB Redbridge Model Policy: Complaints Policy

King Solomon High School

September 2016

Introduction

This policy has been prepared in accordance with the DfE Best Practice Advice for School Complaints Procedures 2016.

Our objective is to provide a secure, calm and welcoming environment for students and staff. We recognise that these aspirations can only be achieved by the wholehearted commitment and support of the whole school community. Occasionally, situations will occur which prevent the fulfilment of those aims and give cause for complaint.

In order to bring any such occurrences to a speedy and satisfactory conclusion, the school has adopted a Complaints Procedure, based on the local authority's advice and as used in many other schools in Redbridge.

It is important that complaints are raised at the earliest possible opportunity to enable the matter to be dealt with speedily and effectively. An early informal approach is often the best means of resolution of minor problems. The Department for Education expect complaints to be made at the earliest opportunity and consider 3 months to be an acceptable timeframe to lodge a complaint.

Complaints procedure for use in schools

1. Stage one: - Local resolution of the problem (the informal stage)

1.1 In the vast majority of cases a problem can and should be resolved by contacting the class teacher subject teacher or member of staff directly involved with the problem. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

2. Stage two – The Formal Stage

2.1 If the complainant is not satisfied with the response from the member of staff at stage 1 or if the complaint is of a serious nature, the complainant should be advised that the next stage is to put their complaint in writing to the head teacher. When writing to the head teacher the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

2.2 Where the head teacher is the subject of the complaint then sections 4 and 5 of this procedure apply.

The head teacher will be responsible for carrying out an investigation or appointing another senior member of staff to carry out the investigation and report their findings to the head teacher who will then reach a conclusion based on the investigation. The person appointed as the Investigator should keep notes of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigator may feel it necessary to meet with the complainant first. It is good practice to supply interviewees with the notes and ask them to sign the notes for accuracy.

2.3 At the conclusion of the investigation the investigator will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the head teacher.

2.4 The head teacher should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the head teacher will write again to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The complainant should be advised if this is the case.

2.5 Before the investigator interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.

2.6 Once satisfied that the investigation has been concluded and a decision on the complaint has been reached the head teacher will notify the complainant in writing of the conclusion and decision made. The complainant will be informed of any action that will be taken as a result of the complaint except where this would be a breach confidentiality e.g. taking any formal action against individual members of staff which would remain confidential. This letter of notification of the outcome should generally be done no later than 20 school days as set out in paragraph 3.5 above. The head teacher may feel it appropriate to meet with the complainant to communicate the findings in person; in this event the decision should also be confirmed in writing.

2.7 The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part and the part upheld and identified only is upheld;
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive and not proven;
- The complaint is not substantiated by the evidence and therefore not upheld;

2.8 In the outcome letter the complainant will also be informed that if they are not satisfied with the outcome of the investigation, they may request that the Governors Complaints Review Panel review the process followed by the head teacher in handling the complaint.

2.9 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.

2.10 This request must be made in writing to the clerk to the governing body within 10 school days of receiving the outcome from the head teacher and must include a statement specifying reasons for the request for the review and any perceived failures arising from the outcome of the investigation.

3. Where the complaints is about the actions of the Head teacher

3.1 Stage one - Local resolution of the problem (the informal stage): In the vast majority of cases a problem can and should be resolved by speaking to the head teacher directly in an effort to resolve the problem or concern. The initial communication with the head teacher may be by letter, telephone conversation, in person or by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stage of this procedure.

4. Stage two – The formal stage (where the complaint is about the actions of the head teacher)

4.1 If the complainant is not satisfied with the response from the head teacher at stage 1 they should be advised that the next stage is to put their complaint in writing to the Chair of Governors.

4.2 The Chair of Governors will be responsible for carrying out an investigation or appointing another governor to carry out the

investigation and report their findings to the Chair of Governors who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating governor may feel it necessary to meet with the complainant. The investigating governor should produce notes of this interview.

4.3 At the conclusion of their investigation the investigating governor will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the Chair of Governors.

4.4 When writing the initial letter to the Chair of Governors the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

4.5 The Chair of Governors should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that they will write to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings However, the investigation period for a more complex complaint could be longer than 20 days. The complainant should be advised if this is the case.

4.6 Before the investigating governor interviews a member/s of staff, they must be informed that they may be accompanied by a colleague or representative of a recognised union or professional association.

4.7 Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the Chair of Governors will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out in paragraph 5.5 above. The Chair of Governors may feel it appropriate to meet with the complainant to communicate their findings.

4.8 The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the

complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);

- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld;

4.9 At this stage the complainant will be told that consideration of the complaint by the Chair of Governors is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the Chair of Governors in handling the complaint. This stage is outlined in paragraph six below.

4.10 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.

4.11 This request must be made in writing to the clerk to the governing body within 10 school days of receiving the outcome from the chair of governors and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

5. Stage three – The Governors Review Panel (All Complaints)

Review Panels are convened at the request of a complainant to review the school's decision to a complaint at stage 2. If the complaint has not been settled at the formal stage and the person making the complaint is not satisfied with the outcome or the way it was dealt with, they can ask for the process to be reviewed by the review panel.

5.1 The Review Panel's purpose, in each case, is to review (not to re-investigate) the original complaint and the school's response to it, including its investigation and the outcome. The Review Panel's role is not to undertake a re-investigation of the case, nor to extend its reference beyond the above matters.

5.2 The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation. The Panel is not permitted to do the following:

- To re-investigate the complaint;
- to reach a definite view on a point of law;

- to criticise the complainant for any "contributory negligence" that may have contributed to the difficulties;
- to be an alternative to a disciplinary hearing, as far as staff are concerned;
- To hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint)

5.3 Any review of the process followed by the head teacher, chair of governors or the investigating governor shall be by a panel of at least three members of the governing body appointed to be the Review Panel.

5.4 The review will normally be conducted through a consideration of written evidence but any requests received to make an oral representation should be considered sympathetically.

5.5 The panel will consider the letter from the complainant (outlined in paragraph 5.11 above) and if needed request that the complainant submit in writing (within a reasonable timescale) any further information needed by them relating to their reasons for requesting a review and any perceived failures arising from the investigation process followed. The head teacher or investigating governor will be invited to make a written response to the complainant's submissions.

5.6 The decision maker should provide the panel with all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).

5.7 The panel should communicate its findings to the complainant, head teacher and chair of governors within 25 school days of receipt by the clerk of the complainant's letter requesting a review.

5.8 If the complainant is still not happy at this stage they should be informed that they can appeal to the Secretary of State for Education (or any other relevant body appointed to hear parental complaints against schools as set out in Regulations or Acts of Parliament) on the following grounds:

- The governing body is acting or proposing to act unreasonably;
- The governing body has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

1. The governing body notes that 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.

Information about the SCU can be obtained by calling Tel 0370 000 2288 or by writing to:

Department for Education
School Complaints Unit 2nd Floor
Piccadilly Gate Store Street
Manchester M1 2WD

6. Dealing with unreasonable, serial or persistent complaints

Kantor King Solomon High 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.

Kantor King Solomon High 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 against the complaint.

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 Kantor King Solomon High 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 barring an individual from Kantor King Solomon High School

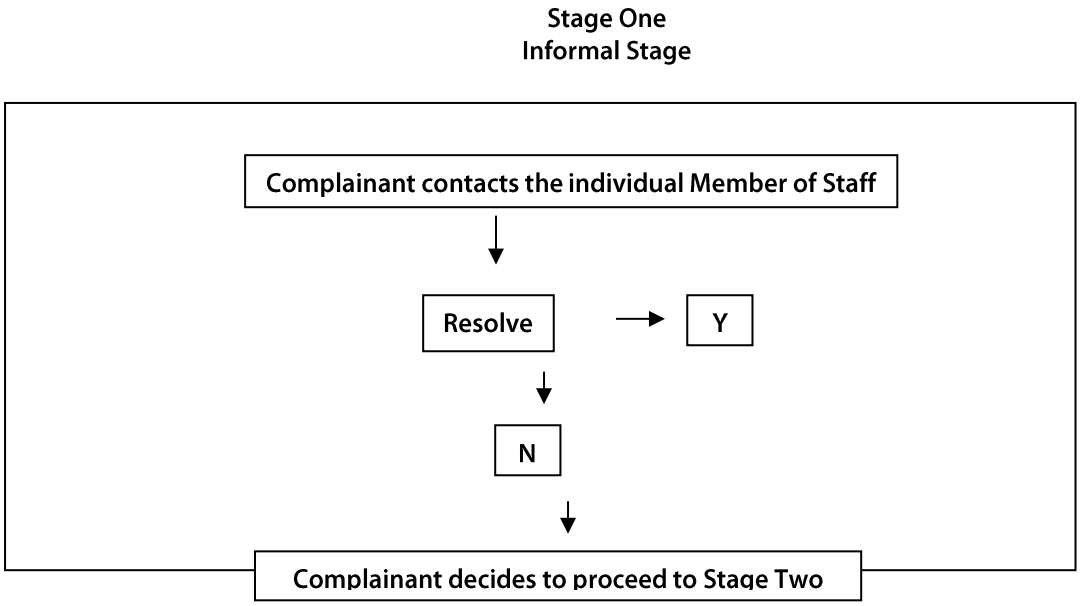
Complainants who behave in an unacceptable way

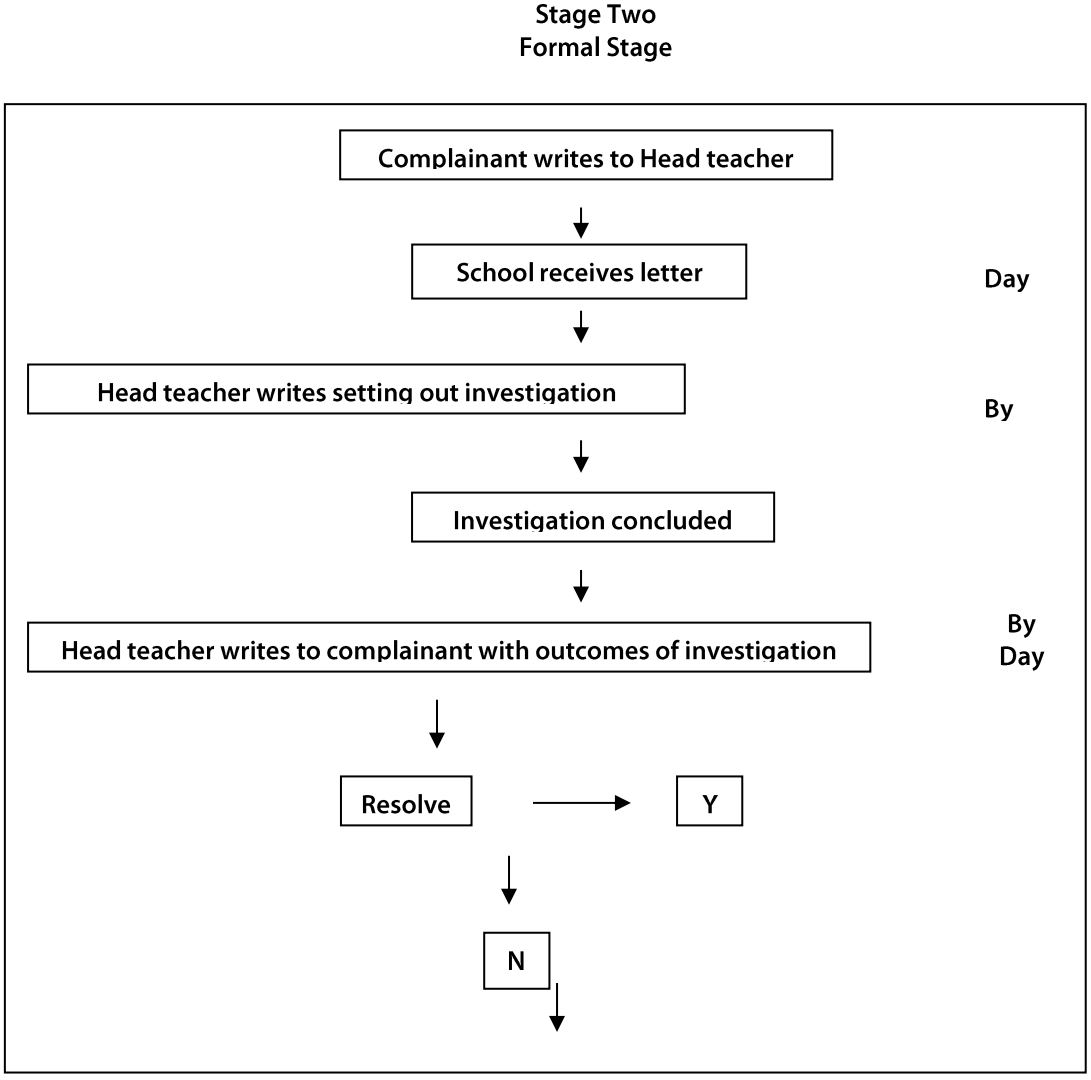
Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

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.

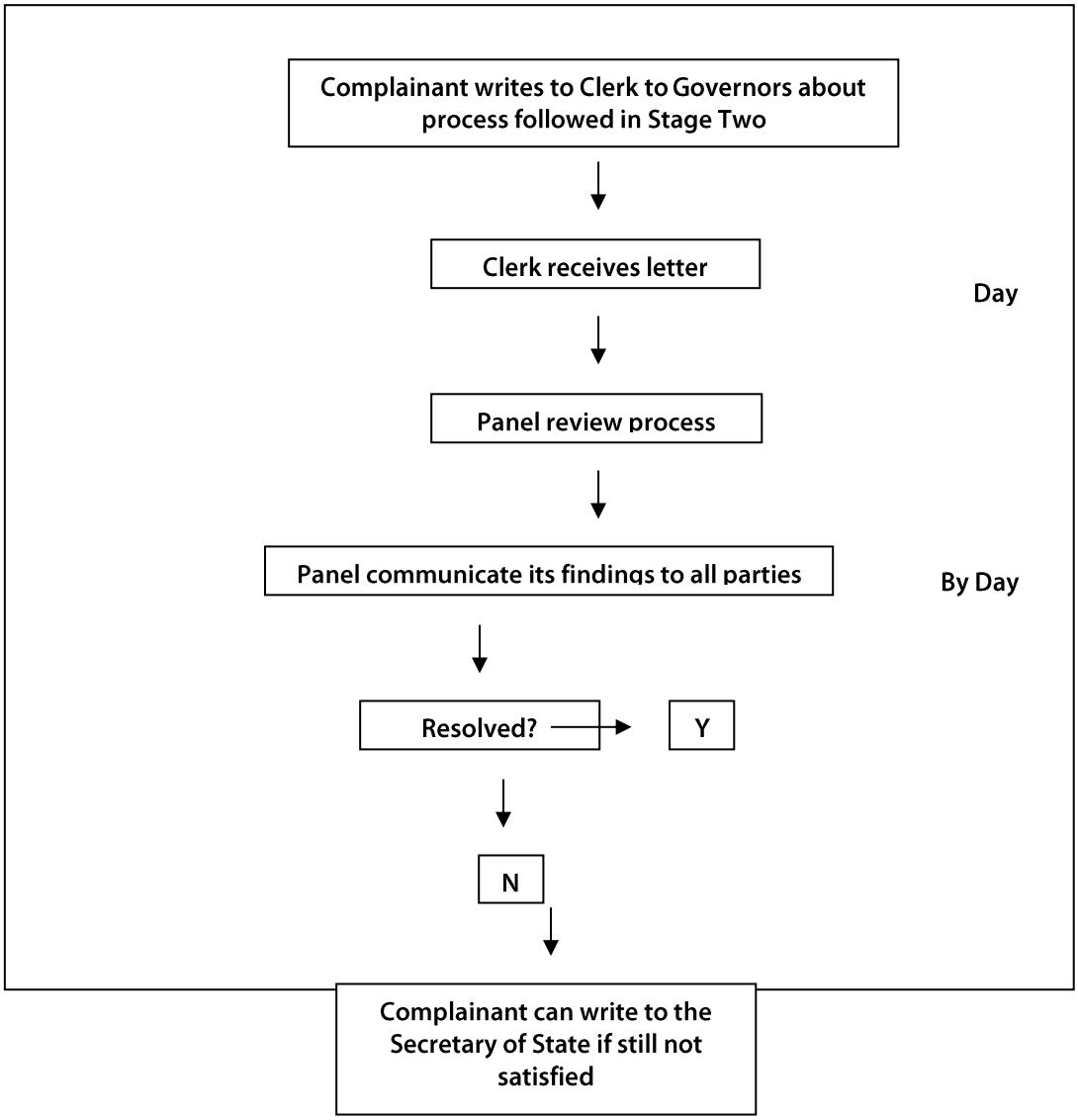
Model Complaints Procedure for Schools - Flowchart





Complainant unhappy with process followed and decides to proceed to Stage Three

Stage Three
Governors Review Panel (stage three)



Note: - If the complaint is about the actions of the head teacher then the chair of governors carries out the head teacher's role indicated above (section 5 in model procedure).

Appendix A – 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 welfare of the child/young person is paramount.
- Interviewing Best Practice Tips
- Children/young people
- Children/young people should 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 should be taken in these circumstances not to create an intimidating
- atmosphere.
- Children/young people should 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
- child/young person's best interests.
- 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.**