



Oakfield Short Stay Primary Complaints Policy & Procedure

Oakfield Short Stay School	
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Complaints Policy & Procedure

Oakfield Short Stay school is committed to working in close partnership with all members of the school community. The school places great value on the role which parents and carers can play in supporting children's learning. All staff and the Management Committee actively encourage a positive relationship between the school and the families of children who attend the school.

If, at any time, a member of the school community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically, and effectively as possible. It is hoped that most concerns will be settled amicably at this stage.

However, if there is a continuing concern, this can be directed through the formal stages as outlined in the school's complaints procedure, detailed on the following pages.

This policy contains the following:

The Complaints Procedure

1. The Stages of Complaints
 - Stage 1 – (Informal) Heard by Staff Member
 - Stage 2 – (Formal) Heard by Headteacher
 - Stage 3 – (Formal) Heard by the Chair of the Management Committee
 - Stage 4 – (Formal) Heard by Management Committee Complaints Appeal Panel
2. The remit of The Complaints Appeal Panel
3. Roles and Responsibility
4. Notification of the panel's decision
5. Checklist for a panel hearing
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Managing and Recording Complaints

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Stage 1 (informal)

Complaint heard by staff member (though not the subject of the complaint)

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complainant will be referred to a member of the Senior Management Team. Where the complaint concerns the Headteacher, the complainant must be directed to Karen Allen, Chair of the Management Committee. The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a Management Committee Member, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. The Management Committee will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2 (formal)

Complaint heard by Headteacher

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Where parents or carers feel that a situation has not been resolved through contact as above, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Headteacher formally. The Headteacher will consider any such complaint very seriously and investigate each case thoroughly. Most complaints are normally resolved by this stage.

If a parent is not satisfied with the outcome of the meeting with the Headteacher, they will be offered the option of formalising the complaint by writing to the Chair of the Management Committee, within 10 school days of meeting with the Headteacher.

Complaints against the Chair of the Management Committee or any individual Committee member should be made in writing to the Clerk to the Management Committee.

Should any parents or carers have a complaint about the Headteacher they must be directed to the Chair of the Management Committee. If the complaint is about School Policy, they must be directed to the Headteacher.

Stage 3 (formal):

Complaint heard by Chair of Management Committee

If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of the Management Committee to request that their complaint is considered further.

Any written complaint addressed to the Chair of the Management Committee will be investigated and responded to within 10 school days of the date the letter being received. Please ensure any complaint addressed to the Chair of Management Committee is handed to a member of the Business Support Team in the office in a sealed envelope marked, 'Complaint Private and Confidential', where it will be date stamped and passed to the Chair of the Management Committee. A signed and dated receipt will be passed to the complainant.

A complainant should not expect to receive detail of any action taken regarding a member of staff. Whilst respecting the right of the complainant to make a complaint, it is important to respect the rights of individual members of staff against whom the complaint has been made.

Complainants can expect to be informed that the matter has been investigated and, in broad terms, the nature of that investigation and that an appropriate course of action had been taken. Any changes to policy or procedures as a result of a complaint will be acknowledged and acted upon.

The Chair of the Management Committee will meet with complainant, hear the complaint, investigate the matter and make every effort to resolve the situation having met with the Headteacher. The chair will inform the complainant, in writing of the outcome within 10 school days of their meeting.

Stage 4 (formal)

Complaint heard by GB's complaints appeal panel

If the complainant is not satisfied with outcome of the investigation and any subsequent action taken, the complaint will move to the final stage. The complainant should complete the 'Formal Complaints Form' providing details of the original complaint; response received and provide details of why they remain dissatisfied with the outcome.

The complainant needs to submit the 'Formal Complaints Form' within 10 school days of the date of the letter notifying them of the outcome of Stage 3, advising the Chair of Management Committee that they wish their complaint to be heard by a Formal Complaints Appeal Panel. Once again, please ensure this letter is handed to a member of the Business Support team in the office, where it will be date stamped and passed to the Chair of Complaints Appeal Panel. A signed and dated receipt will be passed to the complainant.

The Clerk to the Management Committee will convene a panel and organise for copies of all relevant paperwork to be sent to members of the panel and the complainants.

The Management Committees' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Management Committee at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Management Committee may nominate a number of members with delegated powers to hear complaints at that stage and set out its terms of reference. These can include:

- Drawing up its procedures
- Hearing individual appeals
- Making recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

2. The remit of The Complaints Appeal Panel

The panel can:

- 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

There are several points which any Management Committee member sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so.
- No Management Committee member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender, and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to 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.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the

child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

The Management Committee sitting on the panel need to be aware of the complaint's procedure.

3. Roles and responsibilities

- The Role of the Clerk
- The Role of the Chair of the Management Committee or the nominated Committee member
- The role of the Chair of the Panel
- Notification of the Panel's decision
- Set formal hearing if appeal received
- Checklist for Panel Hearing

The Role of the Clerk

The meeting of any panel or group of governors considering complaints be clerked. 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 (recommended at least five school days in advance).
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The role of the Chair of the Management Committee or the nominated committee member

The nominated committee member role:

- Check that the correct procedure has been followed.
- If a hearing is requested, notify the clerk to arrange the panel.

The role of the Chair of the Panel

The Chair of the Panel has a key role ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- 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.
- 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
- Each side is given the opportunity to state their case and ask questions

4. 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 (including the reasons for the decision); within 5 school days by the Clerk to the Management Committee. This will confirm the end of the Governor's involvement with the complaint and explain that the matter is now concluded. The decision letter will include details of further rights of appeal, and if so, to whom they need to be addressed e.g Dfe, EFA or Ofsted. The complainant will be advised that the Local Authority cannot be involved unless the complaint is about a service supplied by the Local Authority. A copy of the written outcome will be retained on file and one will be issued to the person complained about.

The Formal Complaints Appeal Panel will comprise of members who are not directly involved in the matters detailed in the complaint including, one panel member who is independent of the management and running of the school. The Clerk to the Management Committee will attend as Minute Taker for the meeting.

The panel will set a time and date for a formal hearing within 15 school days after receiving notification that the complaint has reached Stage 4.

They will appoint their own chair, listen to all the evidence with impartiality and their decision is final. It is important to note that the Formal Complaints

Appeal Panel Hearing will go ahead at the set time and date even if the complainant is unable to attend.

5. Checklist for a panel hearing

The panel needs to take the following points into account:

- 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.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education 2nd Floor,
Piccadilly Gate Manchester
M1 2WD

6. What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

7. Managing and Recording Complaints

Recording Complaints

The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it is helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept, and a copy of any written response added to the record. These records will be filed centrally.

8. Summary for Dealing with Complaints

- Stage 1 — Complaint heard by staff member
- Ensure complaints co-ordinator informed of outcome
- If not resolved, then escalate to Stage 2 — Complaint heard by

Headteacher

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied
- If not resolved, then escalate to Stage 3 - Complaint heard by

Chair of Management Committee

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Offer escalation to Stage 4 if dissatisfied If not resolved, then escalate to Stage 4

Management Committee complaints panel meeting arranged

- Issue letter inviting complainant to the meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education

9. Management Committee Review

The Management Committee will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. Complaints information shared with the whole Management Committee will not name individuals in case an appeal panel needs to be constituted.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Management Committee can be a useful tool in evaluating a school's performance.

The frequency with which the school complaints procedure is reviewed is determined by the Management Committee. The Management Committee delegates responsibility to the Health, Safety and Safeguarding Sub Committee. The revised policy must be ratified at a full Management Committee meeting. Review dates are published on the policy document and are adhered to. Reviews should also be considered in the event that new guidance or legislative changes are introduced by the Department for Education.

10. Publicising the Procedure

There is a legal requirement for school complaints procedures to be publicised. At Oakfield Short Stay School, we will include it in:-

- The induction paperwork given to new parents when their child joins the school.
- The home-school agreement:
- The school website.

11. Appendix A — The Act

Section 29 of the Education Act 2002 requires that:

(1) The governing body of a maintained school in England shall —

(a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time by the Secretary of State. Section 39 of the Education Act 2002 provides the following:

"maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

12. Appendix B

The Oakfield Short Stay School Complaint Form and Complaint Process

See Separate Document

13. Annex C - GUIDANCE FOR HANDLING UNREASONABLY PERSISTENT, HARASSING, VEXATIOUS, UNREASONABLE OR ABUSIVE COMPLAINTS

The Headteacher and Management Committee are committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. Detailed in this policy is the procedure for parents/carers to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

The aim of this guidance is to clarify the process for dealing with unreasonable complainants or parents who do not act appropriately.

13.1. What do we mean by 'an unreasonable complainant'?

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

13.2. Unreasonable behaviour may include:

Actions which are;

Out of proportion to the nature of the complaint, or

Persistent — even when the complaints procedure has been exhausted, or personally harassing, or

- Unjustifiably repetitious or Obsessive, harassing, or prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
- Acting in a way not in line with the school aim of reaching a resolution and working with the school.
- An insistence on pursuing unjustified or unmeritorious complaints and/or unrealistic outcomes to unjustified complaints.
- An insistence on pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language.
- Making complaints in public or
- Refusing to attend appointments to discuss the complaint.
- Using social media to publicise the complaint.

13.3. What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of school staff or others.
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes on-going distress to school staff or others.
- It has a significant and disproportionate adverse effect on the school community.
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution

13.4. What can you expect from the school?

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

- Follow the School's complaints procedure.
- Respond within the given timeframe.
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school and the nature of the complaint
- Respond with courtesy and respect.
- Attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and in line with guidance from the Department for Education.
- Keep those involved informed of progress towards a resolution

13.5. What the school expects of you

The school expects anyone who wishes to raise concerns with the school to:

- Treat all staff with courtesy and respect.
- Respect the needs of pupils and staff within the school.
- Never to use violence (including threats of violence) towards people or property.
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time.
- Follow the school's complaints procedure.
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling and swearing.
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils or on social media sites and not in an open public space).
- To be prepared to work towards a resolution and in partnership with the school.

13.6. School's responses to unreasonably persistent complaints, vexatious complainants, unreasonable complaints, or harassment

This guidance is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution.

However, in cases of unreasonably persistent complaints or harassment, the school may take any or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable and request a changed approach.
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/Harassment Policy.
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken.
- Inform the complainant that, except in emergencies, the school will respond only to written communication.
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the School considers to be reasonable.
- Place restrictions on the individual's access to school and/or school staff.
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school.
- Involve the police.
- The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

13.7 Physical or verbal aggression

The Management Committee will not tolerate any form of physical or verbal aggression or personal harassment against school staff. If staff are subject to this type of aggression the school may:

- Prohibit the individual from entering the school site, with immediate effect.
- Inform the individual that communication with them will cease other than in an emergency.
- Prosecute under Anti-Harassment legislation.

13.8 Timeframe and Review

If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, the school, may resume the process identified above

- If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Schools complaints policy, the School will use its discretion and may resume the investigation of the complaint. The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy.
- Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered, even if the person making them is (or has been) subject to the vexatious or persistent complaints policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy

Annex D — Process for Complaints procedure Stage 1:

Informal Complaint heard by the class teacher or senior member of staff

Matter resolved — Yes or No

If no

Stage 2:

Formal Complaint heard by Headteacher

Matter resolved —Yes - case closed.

If issue not resolved, then

Stage 3: Formal Complaint heard by Chair of Management Committee

Matter resolved — Yes - Case closed.

If issue not resolved, then

- Parent to complete and submit a 'Complaints Form' within 10 school days of receiving the response from the Chair of Management committee
- Clerk to Management Committee to set a time and date for Appeal Panel within 15 school days of receipt of 'Formal Complaints' form.
- Panel to meet, listen to the evidence and make a decision.
- Complainant will be informed within 5 school days of the outcome of the Appeal Panel meeting by the Clerk to the Management Committee.

Stage 4: Formal Complaint heard by Management Committee Complaints Appeal Panel

- Parent to write to Chair of Management Committee regarding the nature of their complaint and hand it to the school office.

- Chair of Management Committee to respond within 10 school days of

school receiving to arrange a meeting to hear the complaint. They will then investigate the matter and make every effort to resolve the matter.

- Chair of Management Committee to inform the complainant in writing of the outcome within 10 school days of their meeting.

15. Good practise the school will adopt

Although not required under the Regulations:

Make the complaints procedure available on-line.

Complaints from people who are not parents of attending pupils can use the same procedure as complaints from parents of attending pupils.

- If the complaint does proceed to a panel stage, ensure parents are given reasonable notice of the date of the panel hearing and provide clear information on the process to enable a parent to attend.

Be clear what behaviour will be considered as unacceptable from complainants and the action you will take if a complainant behaves unacceptably.

- Consider whether staff likely to be involved in handling a complaint are equipped to do so.
- Provide complainants with written responses where appropriate and where the complainant requests a written response. This is particularly worth doing for correspondence with MPs as they will often use the correspondence they have received to brief or inform their constituents

16. Further information

Useful resources and external organisations

[National Governors Association](#)

Other relevant departmental advice and statutory guidance:

[Section 29 of the Education Act 2002](#)

[Governors Handbook](#)

Other departmental resources

How to complain about a school - Advice for complainants enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications

Further information can be obtained from the School Complaints Unit: by calling the National Helpline on 0370 000 2288

online at: www.education.gov.uk/help/contactus or
www.education.gov.uk/form/school-complaints-form
or by writing to:

Department for Education 2nd Floor
Piccadilly Gate Manchester
Mel 2WD