



**Belton Lane**  
Primary School

# **Complaints Policy**

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#### **Introduction**

In this school all staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that the school and parents must work together in partnership, each carrying out their own particular responsibilities to help pupils gain the most from their time in school.

If you feel that something is not going quite as you would like it to, that we are doing something that you are unhappy with, or not doing something that you feel we should, PLEASE TELL US ABOUT IT.

- **The first step:**

Please arrange to discuss any concerns with your child's class teacher, or with the particular teacher concerned. We hope that most problems can be sorted out this way.

- **The second step:**

If, after speaking to your child's teacher, you do not feel that your complaint has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with that teacher's manager. In primary schools this is usually the headteacher. In secondary schools it will be the head of year or the deputy headteacher, but if you are still unhappy about the situation you should raise the matter with the headteacher. In almost all cases we can sort things out satisfactorily in this way.

- **The third step:**

Unless the complaint is about the conduct of the headteacher, you should make a formal written complaint to the headteacher. You should then receive a written response.

- **Taking matters further:**

If your complaint is about the conduct of the headteacher, or if you are dissatisfied with the headteacher's response to your formal complaint letter, then you need to contact the governors.

You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk to the Governors at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will produce a typewritten statement for you to sign.

The governors will investigate your complaint and write to advise you of the outcome. The decision of the governors is normally final.

If you after following the school's complaints procedure, you remain unsatisfied with the outcome then you are able to complain to the Department for Education via the Gov.uk website.

### **Governors Complaints Procedure**

- If a parent is not satisfied with the response from the Headteacher regarding their complaint or if their complaint is about the Headteacher, then he/she is entitled to take their complaint to the Governing Body.
- All complaints to the Governing Body must be initiated by means of a letter, detailing the complaint and accompanied by any supporting evidence, and sent to the Clerk to the Governors, care of the school. The Clerk will then ensure the complaints process is commenced as soon as practicable. (a complainant can request that the Clerk to the Governors write down the complaint on their behalf where writing a letter is difficult).
- The Governors will appoint a minimum of three of their number to form a Complaints Committee to adjudicate upon the complaint. Those Governors chosen ideally, should have no knowledge whatsoever of the details surrounding your complaint or of the complainant.
- It is appreciated this may not always be possible, particularly in some rural schools. However, the Governing Body should always strive to find an impartial selection of Governors whenever possible.
- Once the Complaints Committee has been formed, they will consider written representations from both the complainant and the Headteacher
- The Clerk to the Governors will write to the complainant, outlining the procedure. The complaint will be forwarded to the Headteacher who will then have 7 days in which to respond. That response will then in turn be sent to the complainant for comment, any responses to be provided within 7 days. Finally, that response will go to the Headteacher who has 7 days in which to respond. All the responses are then put before the Complaints Committee for adjudication.
- For the avoidance of doubt, all communication should be through the Clerk to the Governors, neither party should send their response to the other directly.
- The Complaints Committee must take a robust approach and not simply endorse the decision of the Headteacher without any consideration of the evidence.
- The Complaints Committee must have all the necessary evidence to make their decision. If they are not satisfied and require further evidence from either party, they should adjourn and request that information. The Complaints

Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.

- The decision of the Complaints Committee should be given to the complainant in writing within five working days of the decision.
- The decision letter should outline the nature of the complaint, the factors taken into consideration and the decision of the Complaints Committee. There is therefore no need for minutes to include any other information.
- Under the Data Protection Act, parents can request to have sight of all documents relating to their complaint, subject to restrictions.
- A parent who remains dissatisfied can contact the DFE. Occasionally, this will require the Complaints Committee to consider the matter further.

### **Policy for Unreasonable Complainants**

Belton Lane Primary 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.

Belton Lane Primary 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 Belton Lane Primary 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 Belton Lane Primary 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.

### **The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State.

The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out

remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk](http://www.education.gov.uk)

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