



# The Fairlawn and Haseltine Federation

## Complaints Policy

### Introduction

### Raising concerns

The majority of concerns can be dealt with without resorting to this procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with *your child's teacher* via telephone, email or in person. He/she may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

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

At Fairlawn primary School we strive to provide a good education for all our children. The Executive head, head of school and staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents/carers. The following policy sets out the procedures that the school follows in such cases.

If any parents are unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately or refer to appendix 1 for guidance on communication procedures. We stress that there is a clear difference between a **concern** and a **complaint**. We take informal concerns seriously and as a result few develop into formal complaints.

Parents should be assured that making a complaint will not adversely affect your child or you.

### Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy.

### Social Media

In order for complaints to be resolved as quickly and fairly as possible, *Fairlawn Primary School* requests the complainants do not discuss complaints publicly or via social media such as Facebook and Twitter. Complaints will be dealt with

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confidentially for those involved, and we expect complainants to observe confidentiality also.

This policy is available from the school office and will be published on our website.

### Aims

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. Our complaints procedure is accessible and simple to use and understand. It aims to be non-adversarial. In all cases we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved within established time limits.

### The complaints process

<p><b>Stage 1. Informal.</b> Expression of concern made to the school.</p>	<p>If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher or if it is another concern refer to our communication procedures to identify the best person to contact. In our experience most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. Most issues can be resolved quickly.</p>
<p><b>Stage 2. Complaint</b> Concerns raised formally with designated complaints officer (the Headteacher).</p>	<p>Formal complaints should be made in writing to the Headteacher (using the proforma appendix 2) and will be acknowledged within three school days. The Headteacher considers any such complaint very seriously and investigates each case thoroughly. The headteacher reserves the right to allocate the investigation to another member of staff where deemed appropriate. However all investigations will be conducted by an SLT member. Most complaints are normally resolved by this stage. The outcome of the Headteacher investigation will be communicated to you <b>within 20 school days</b> in the form of a written response, with full explanation of the decision and the reason for it, as well as any action taken. If the complaint is about the Headteacher the matter should be referred to the Executive Head. If the complaint is about the Executive the matter should be referred to the Chair of Governors, email: <a href="mailto:mknight29.209@lgflmail.org">mknight29.209@lgflmail.org</a></p>

<p><b>Stage 3. Governing body.</b> Complaint rarely reaches this formal level but should you need to you should make a formal complaint to the Governing Body Complaints Panel.</p>	<p>Complaints at this stage should be written and received within <b>10 school days</b> of the Headteacher’s decision. Your letter should be addressed to the Chair of Governors and should set out why you remain unhappy and what you wish to see happen. The Governing body Complaints Committee will consist of 3 people – none of whom will have been previously involved in your complaint. They will let you know when your complaint is to be considered. If a meeting with you and others involved is considered necessary you should be given adequate notice to prepare. The committee will make their decision in private and write to you within <b>7 school days</b></p>
<p><b>Stage 4. Final Complaints Stage</b> If all attempts to resolve the complaint have failed, you may refer your complaint to the Secretary of State for Education. <a href="http://www.education.gov.uk">www.education.gov.uk</a></p>	<p>If the complaint is not resolved, a parent may make representation to the LA. Further information about this process is available from the school or from the LA. Decision is made by recommendation and will be provided <b>within 15 days</b> where possible.</p>

### Timeframes

*Fairlawn Primary School* will endeavour to abide by timeframes stated under each stage. However, in some circumstances this is not always possible due to the complexity of information needed to review a complaint, difficulties regarding an individual’s availability to deal with the complaint, or because of issues that are outside of the school’s control. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

*Fairlawn Primary School* reserves the right **not** to investigate complaints that have been made *three months* after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. In such circumstances the Headteacher and/or the Chair of Governors will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Should any parents have a complaint about the Headteacher, they should first make an informal approach to the Executive Head, who is obliged to investigate it. The Executive Head will do all s/he can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint, as outlined above.

Should any parents have a complaint about the Executive Headteacher, they should first make an informal approach to the chair of the governing body, who is obliged to investigate it. The Executive Headteacher will do all s/he can to resolve the issue through a dialogue with the school, but if parents are unhappy with the outcome, they can make a formal complaint, as outlined above.

In the case of a vexatious complaint where despite all stages of this policy being followed the complainant remains dissatisfied they are not entitled to re-open the same issue. In such cases the Chair of Governors is able to inform them in writing that the process has been exhausted and that the matter is now closed.

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school might consider it appropriate to contact outside agencies.

### **Investigating complaints**

It is suggested that at each stage the person investigating the complaint makes sure that they:

- Ensure there are no telephone conversations between the school and the parent/carer. All communication should be made in writing a letter. We accept meetings can be booked by phone with the admin staff.
- 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 further information is required
- Clarify what the complainant feels would put things right.
- Conduct any interviews with an open mind and be prepared to persist in the questioning.
- Complete all necessary notes and have a minute taker (office manager) in all meetings.

### **Resolving complaints**

At each stage in the complaint schools and complainant 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 that was the basis of the complaint will not recur.
- An explanation of the steps that have been taken to ensure it does not happen again. Details of any disciplinary procedures that have taken place as a result of the complaint are not released.
- An undertaking to review school policy or procedure in light of the complaint.

- An explanation that there is insufficient evidence and thus the complaint cannot be upheld.
- An explanation that, following investigation, the concern is not substantiated by the evidence.

An admission that the school could have handled things better is not the same as an admission of negligence.

### **Unreasonable complaints and serial and persistent complainants**

*Fairlawn 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.

*Fairlawn Primary School* defines serial and 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;

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- 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, telephone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher, Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

If the behaviour continues the Headteacher will write to the complainant explaining that his/her behaviour is unreasonable and asking him/her to change it. For complainants who excessively contact *Fairlawn 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 *Fairlawn Primary School*.

### **Barring from the school premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Governing bodies have a responsibility to ensure for the wellbeing of pupils and staff, and will therefore act to ensure that schools remain a safe place.

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 permission 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 of 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.

### **Monitoring and review**

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all stage 2 complaints received by the school, and records how they were resolved. Governors examine this log on an annual basis.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

All SLT members will be fully aware of procedures and trained accordingly and will be involved in reviewing the policy. All staff to be aware that a member of SLT will handle all formal complaints. This policy is reviewed every two years, or before if necessary.

**Signed:**

**Date:**