Handling Concerns & Complaints Policy

'Building for Successful Futures'

Formally adopted by the Governing Board of	**Fred Nicholson School**
Co Chair of Governors	**Jill Wilson and Matt Ridley**
Policy Holder	**Headteacher – Heidi Philpott**
Policy Contributors	**SLT**

Statutory Policy	**Y**	**Published on Website**	**Y**

This policy is based on a model policy from The Key for School Leaders, approved by Forbes Solicitors.

Any updates and amendments to government legislation or guidance from the Education HR Service automatically supersede this school policy prior to ratification by the Governing Body.

This policy applies to all areas of school.

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INTRODUCTION:

Section 29 of the Education Act 2002 states that governing bodies are required to have in place a procedure for dealing with concerns and complaints. The school will follow the procedures as recommended by the Local Authority Complaints Procedure. It will also use the "Code of Practice for Governors Receiving a Complaint from a Parent", together with other advice that is appropriate to hearing and dealing with complaints.

GENERAL GUIDANCE

- Research shows that someone experiencing an unhappy situation with an organisation is likely to tell up to 10 other people about his/her negative experience. In terms of the reputation of a school this will relate to people within the local community, other parents, friends and relatives.
- However, someone having a good experience of how an issue is handled will tell up to 10 people about his/her positive experience.
- How an issue is handled gives people a clear idea of how committed the school and governing body are to giving the best possible provision.
- Issues need to be dealt with by parents, carers or guardians and a school as calmly, courteously and as quickly as possible.
- School staff must always give consideration to their own safety
- Guidance and procedures are available regarding violence at work in Section 8 of the Children's Services Health and Safety Manual.
- Schools and governing bodies may wish to discuss a way of obtaining feedback from parents which could allow for some issues to be dealt with before parents feel it necessary to raise concerns with the school.
- Concerns and complaints should be viewed positively as data gathered can be used to inform school evaluation and future plans and strategy.
- Parents, carers and guardians are reminded to let teachers and head teachers know when the school has done something they are pleased with.
- *Skills that can be used to show understanding of and to resolve the concern or issue are:*
  - *Listening and probing for specifics*
  - *Clarifying ambiguities*
  - *Separating out multiple concerns*
  - *Repeating back to check understanding*

Discussing realistic solutions
It is important that the school keeps a written record of any meetings that take place regarding an issue or complaint.

WHO CAN MAKE A COMPLAINT

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Fred Nicholson School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Fred Nicholson School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the head teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Fred Nicholson School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or head teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the head teacher) should be made in the first instance, to the head teacher via the school office**.** Please mark them as Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to the Co Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Co Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

ANONYMOUS COMPLAINTS

We will not normally investigate anonymous complaints. However, the Headteacher or Co Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

TIMESCALES:

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

SCOPE OF THIS COMPLAINTS PROCEDURE

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Norfolk Children's Services (Customer Service Centre, 0844 800 8001, information@norfolk.gov.uk)
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). If you are concerned about a child in Norfolk and want to speak to someone, contact Norfolk County Council on 0344 800 8020**.** If you have concerns about an adult working with a child under the age of 18 that you would like to report, please email lado@norfolk.gov.uk. **If you consider the incident to be an emergency, call 999.**
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures. Please see P307 Grievance Policy including P307 Appx A Grievance Procedure
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against The Fred Nicholson School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

RESOLVING COMPLAINTS

At each stage in the procedure, Fred Nicholson School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

WITHDRAWAL OF A COMPLAINT

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Links to Other Policies

- Staff Grievance Policy

Equality Impact Statement

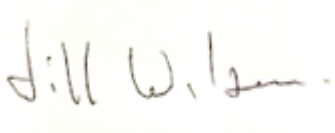
The Head Teacher has reviewed this policy giving due regard to their responsibilities with respect to the equalities agenda, in line with recent legislation. The Head Teacher believes that the policy reflects a positive attitude and approach to all members of the school community.



Heidi Philpott
Headteacher

Policy approved by:





Matt Ridley
Co Chair of Governors

Jill Wilson

APPENDIX A

Procedure for handling concerns and complaints at FNS

All schools in Norfolk want their pupils to be healthy, happy and safe, and to achieve. They recognise that parents, guardians or carers play an important part in making this happen. Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school.

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

Level 1 – informal raising of a concern

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher or a head of year about the concern. It is best to resolve issues at this point.

Guidance on informal level 1:

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
- *A class teacher or head of year should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
- *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*

Level 2 – informal raising of a concern

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher or head of year should ask for an appointment to meet with the Headteacher or, in a larger school, a member of the leadership team, a Deputy Headteacher or Assistant Headteacher.

If a resolution to the issue is proving difficult to find, the Headteacher, a member of the leadership team, a deputy head teacher or assistant head teacher can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

Guidance on informal level 2:

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher or Area Lead then he/she can ask for an appointment to meet with the Headteacher or, in a larger school, a member of the leadership team, a Deputy head or Assistant Headteacher.*

- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is good practice for Headteachers or member of the leadership team, a Deputy head or Assistant Headteacher to write a letter to parents summarising what has been agreed regarding the issue.*
- *The Headteacher, a member of the leadership team, a deputy head or Assistant Headteacher may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.*

It is hoped that most concerns will have been resolved by now.

Level 3 – formal complaint letter to head teacher

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

Headteachers should consider the complaint and discuss a resolution with the complainant. The head teacher should offer a resolution to the complainant in writing within 10 school days of receipt of the letter.

Guidance on level 3- formal:

An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.

Concerns or complaints specifically about the Head Teacher:

The decision that the Headteacher has made as a result of the complaint does not become a complaint about the Headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.

If the concern or complaint is specifically about the Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Co Chair of Governors. The school will provide the Co Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Co Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

Level 4 – Formal complaint requesting a Governors' Complaints Panel.

Time Scales:

Receipt of complainant's letter	Acknowledgement within 5 school days
Receipt of complainant's letter	Governors' Panel meeting within 15 school days (unless this goes into school holidays)
Written documentation sent to Governors' Panel Members and complainant and head teacher	5 school days before meeting.
Governors' Panel members decision communicated to all concerned	As soon as possible but within 10 school days of meeting.

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Co Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of the last meeting with the head teacher concerning the issue. The complainant should write to the Co Chair of Governors at the school address marking the envelope 'urgent and confidential'. The letter will need to set out the complaint that has previously been formally discussed with the head teacher and show why the matter is not resolved.

Before the meeting:

The Co Chair of governors should appoint a clerk to the Governors' Complaints Panel, acknowledge the complainant's letter in writing within 5 school days of receipt and arrange for a panel of governors to meet within 15 school days of receipt. It must be recognised that if the letter is received within 14 school days to the end of term it may not be possible to organise the governors' panel meeting. In this case the matter should be dealt with within 10 school days of the school reopening.

The Headteacher should be given a copy of the complainant's letter and written documentation should be requested from the school. The clerk should send both the complainant's letter and the school documentation to the Governors' Complaints Panel members, complainant and head teacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Headteacher will be invited to attend the Governors Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

The complainant and Headteacher (or the representative) should provide all the relevant information they wish and the Governors' Complaints Panel members should

clarify any points. After the complainant and Headteacher (or the representative) have provided all the information they wish, the Co Chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governors Complaints Panel is final.

Guidance on level 4 - formal:

Before the meeting:

- *The formal complaints letter should be passed to the vice-chair if the chair will be unable to receive the letter within 5 days.*
- *Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel.*

At the meeting:

- *The Complaints Panel must be made up of at least three members and a clerk.*
- *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- *Everyone attending should be in the room at the same time*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- *The clerk should take notes of the meeting, listing who is present: Governors, stating who is the Chair of the Governors' Complaints Panel*
- *Headteacher (or his/her representative) and any other members of school staff*
- *Parents and anyone accompanying them e.g. friend*
- *The chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.*
- *The chair of the Governors' Complaints Panel should request a verbal statement from the head teacher (or the representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the head teacher's point of view.*
- *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*

- *The chair of the Governors' Complaints Panel must ask the complainant and the head teacher (or the representative) if they are satisfied that they have provided all*
- *the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*

When the Governors' Complaints Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

- *The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.*
- *The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*
- *When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting.*

The decision of the Governors Complaints Panel is final.

Once a Governor's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the chair of governors should inform the complainant that the matter is closed.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact…

The School Complaints Unit

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.

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/help/contactus or by writing to:
Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures. The details of such an investigation will remain confidential.

Some complaints regarding admissions, the curriculum or special educational needs are covered by statutory regulations. The Headteacher or Deputy headteacher can give information about these issues

Vexatious Complainants:

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

Policy for Unreasonable Complainants

(Taken from the DfE "Best Practice Advice for School Complaints Procedures 2016")

Fred Nicholson 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. The DfE 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.

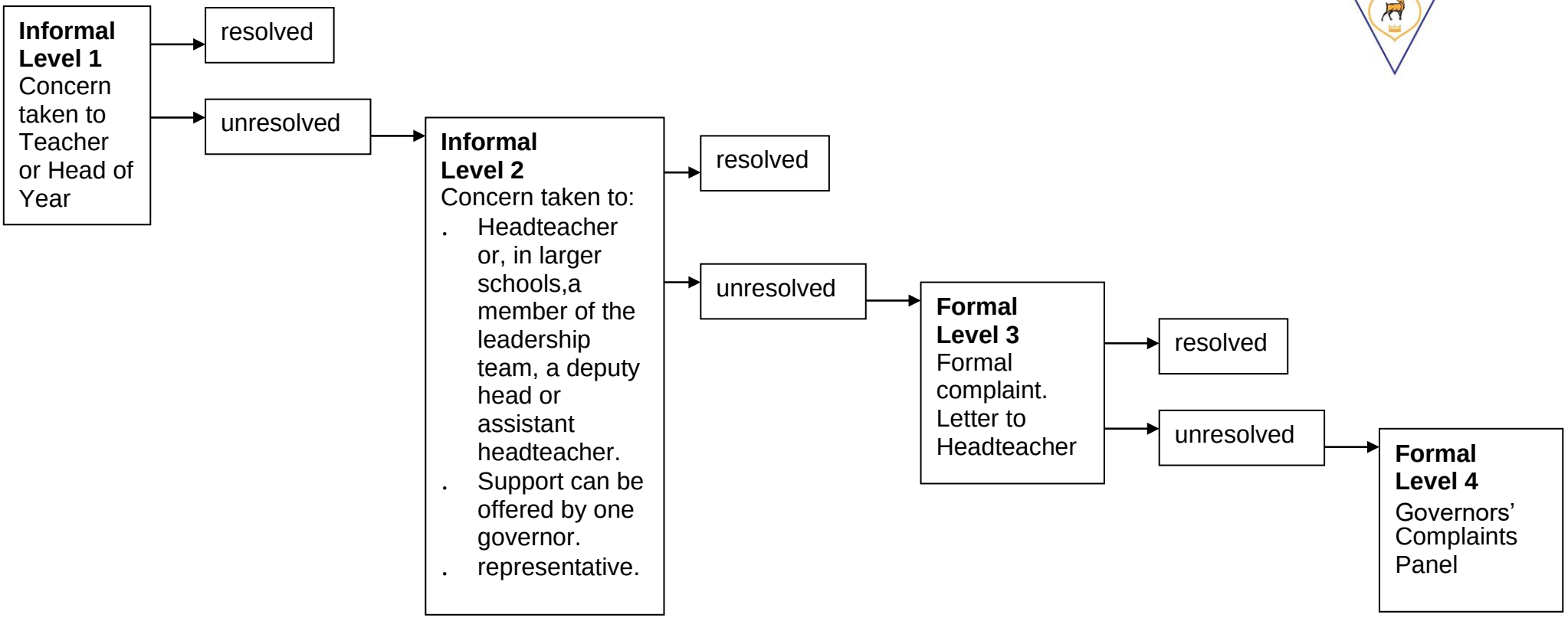
Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Headteacher or Co Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact 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 Fred Nicholson 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 head teacher 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 Co 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.

APPENDIX B

Flowchart of procedure for handling concerns and complaints:



APPENDIX C
Complaint Form

Please complete and return to the HeadTeacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date: