



## Complaints Procedures

At The Russell School, we welcome suggestions for improving our practice. Please be assured that, no matter what parents wish to tell us, our support and respect for all children will not be affected in any way. We ask that parents tell us of their concern as soon as possible. It is difficult for us to investigate an incident or problem properly if it took place some time ago. We do appreciate the assistance we receive from parents in addressing any problems that arise.

At The Russell School, we receive very few complaints. Problems sometimes arise from misunderstandings which are easily addressed. Most concerns and complaints can be sorted out quickly by speaking with the class teacher. When parents and teachers treat each other with mutual respect and support, this provides a very positive model for all of our children.

If, having spoken to the class teacher, parents still have concerns, they should see the Headteacher. She will investigate the problem and discuss the findings so that we can find a way forward together which serves the best interest of both the school and the child. In the unlikely event of the problem remaining unresolved, parents can put their complaint in writing and, if necessary, could subsequently refer it to the Chair of Governors.

The procedure to be followed in the event of a complaint being made is summarised in the following stages.

### **Stage 1: Informal Action**

- Parents should discuss concerns with the class teacher who records the concern in the class concern book
- If the class teacher is unable to deal immediately with the matter, a clear note of the concern is made and the parent is contacted as soon as the matter has been investigated - this will be within five working days. The class teacher will inform the Headteacher at this stage
- The class teacher ensures that the parent is clear about what action or monitoring of the situation has been agreed and this is recorded
- If no satisfactory solution has been found, parents are asked if they wish their concern to be considered further. If this is the case the complaint should be referred in writing to the Headteacher

### **Stage 2: Referral to the Headteacher**

- The Headteacher acknowledges the complaint in writing within five working days
- If necessary, a meeting is arranged between the parents and Headteacher; the class teacher may be asked to attend to clarify and supplement any information given
- The Headteacher investigates further, interviewing witnesses as appropriate. If the complaint centres on a child, the child would normally be interviewed with an additional member of staff present

- The Headteacher keeps written records of meetings, telephone conversations and other documentation
- Once all relevant facts have been established, the Headteacher responds. A written response will be sent within fifteen working days of the Headteacher receiving the initial referral
- If the complainant is not satisfied, they are advised to write to the Governing Body
- If the complaint is against the Headteacher, the Stage 2 procedures are carried out by the Chair of Governors

### **Stage 3: Review by the Governing Body**

- The Chair of Governors acknowledges receipt of the written complaint within five working days
- The complaint will be investigated by a committee of three members of the School's Governing Body within ten working days
- The Chair of Governors arranges to convene a Complaints Panel elected from members of the Governing Body. The members should have no prior involvement with the complaint and they should elect a Chair for the committee. All documentation regarding the complaint should be given to the members of the committee as soon as possible
- The Chair of the Committee will write and inform all parties concerned of the date, time and place of the meeting at least five working days in advance. The notification to the complainant should also inform him/her of the right to submit further written evidence
- It is the responsibility of the Chair of the Committee to ensure that a formally minuted written record is made of all meetings and that these are the only records kept
- A meeting with the Complaints Committee and the complainant and a representative will take place within a further ten working days
- After the meeting, the Committee will consider the evidence and a written decision will be sent to the Headteacher and the complainant within ten working days
- If the complainant is not satisfied by the end of Stage 3, The Russell School will inform the Local Authority, as should the complainant

### **Stage 4: Beyond the Governing Body**

Complainants do not have a general right of appeal should they disagree with the Governing Body's decision. They may, however, raise the matter with the Local Authority or the Secretary of State for Education on the grounds that the Governing Body is acting or proposing to act unreasonably or has failed to discharge its statutory duties. If the Governing Body has followed proper procedure and considered the complaint reasonably then neither the Local Authority nor the Secretary of State can overturn the decision. The Governing Body must, however, give full consideration to any recommendations or directions that the Secretary of State may make.

As well as inspecting schools and monitoring how they perform, Ofsted also consider complaints if they affect the school as a whole. Complaints are considered, for example, if the school is not providing a good enough education, if pupils' different needs are not being met, if the school is not well led and managed or the pupils' personal development, safety or wellbeing are being neglected.

## **When is it time to stop responding to a complainant?**

Schools should not stop responding just because a parent is difficult to deal with or asks complex questions. Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

The decision to stop responding to a complainant should never be taken lightly. A school needs to be able to say yes to all of the following statements before this is considered:

- The school has taken every reasonable step to address the complainant's needs
- The complainant has been given a clear statement of the school's position and their options (if any)
- They are contacting the school repeatedly but making substantially the same points each time

The case to cease responding is stronger if the school agrees with one or more of the following statements:

- The school has reason to believe that the complainant is contacting them with the intention of causing disruption or inconvenience
- The complainant's letters/ emails/ telephone calls are often or always abusive or aggressive
- The complainant makes insulting, personal comments about or threats towards members of staff

Where an individual's behaviour is causing a significant level of disruption the school may implement a tailored communications strategy such as restricting the complainant to a single point of contact via an email address or by limiting the number of times that they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal directly with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach Governor Services at the Local Authority to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the Local Authority who will coordinate any response. Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviour.

Once a school has decided that it is appropriate to stop responding, they will need to inform the complainant, ideally through a hard copy letter.

## **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 that 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 the parent 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 Russell School Complaints Procedures – Key Roles and Responsibilities**

### **The Complainant should**

- cooperate with the school in seeking a solution to the complaint
- express the complaint in full as early as possible
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance if needed
- treat all those involved in the complaint with respect

### **The Class Teacher should**

- provide a comprehensive, open, transparent and fair consideration of the complaint
- be sensitive and thorough when speaking with the complainant to establish what has happened and who has been involved
- speak with children and other staff members relevant to the complaint
- liaise with the Headteacher at an early stage
- be mindful of the timescales to respond
- identify actions to be taken
- respond to the complainant in plain and clear language

### **The Headteacher should**

- provide a comprehensive, open, transparent and fair consideration of the complaint
- be sensitive and thorough when speaking with the complainant to establish what has happened and who has been involved
- give full consideration to existing and previous records and other relevant information
- interview staff, children and other stakeholders relevant to the complaint
- analyse gathered information
- liaise effectively with the complainant as appropriate to clarify what the complainant feels would remedy the situation
- identify solutions and recommend a course of action to resolve the problem
- ensure that the complainant is fully updated at each stage of the procedure
- ensure that all people involved in the complaints procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- liaise with staff members, the Chair of Governors and the Clerk to the Governing Body to ensure the smooth running of the complaints procedure
- keep accurate records or arrange for an independent note taker to record minutes of the meeting
- be aware of issues regarding the sharing of third party information
- provide additional support where necessary, such as an interpreter or signer

### **The Panel Clerk (this could be Clerk to the Governors) should**

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- circulate the minutes of the panel hearing
- notify all parties of the panel's decision
- liaise with the Headteacher

### **The Panel Chair should ensure that**

- the meeting is minuted
- it is explained to the complainant that both they and the school have the opportunity to put their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents/ carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child and he/ she is present during all or part of the hearing
- if the parent requests their child attend the hearing, it is in the best interests of the child as the welfare of the child is paramount
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- both the complainant and the school are given the opportunity to state their case and seek clarity
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing
- liaise with the Clerk and the Headteacher

### **The Panel Members should**

- have no prior involvement in the complaint or in the circumstances surrounding it
- understand the importance of the review panel hearing being independent and impartial, and that it is seen to be so
- be clear that the aim of the hearing, which will be held in private, is to resolve the complaint and achieve reconciliation between the school and the complainant

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

Reviewed by Samantha Leir

Adopted by the Governing Body: March 2021

Next Review Due: March 2024



### The Russell School Complaint Form

Please complete this form and return it to Headteacher/ Clerk to the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a child on the school's roll) .....

Child's name (if relevant to your complaint) .....

Your Address

Daytime telephone number .....

Evening telephone number .....

Please give concise details of your complaint (including dates, names of witnesses etc.), to allow the matter to be fully investigated

You may continue on separate paper, or attach additional paperwork, if necessary

Number of additional pages attached

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**School use**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			