Livingstone Primary and Nursery School
Complaints Policy

Complaints Policy	
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Complaints Policy

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Introduction

At Livingstone Primary and Nursery School (Livingstone) we recognise that on occasions a situation may arise which causes a concern or complaint. We believe that the great majority of problems can be sorted out informally and that it is in everyone's interest for a concern or complaint to be resolved at the earliest possible stage.

We have established a complaints procedure (see Appendix 1) to deal as quickly as possible with any concerns or worries raised by a parent / carer. This also covers any person, including members of the general public, who may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply, for example admissions to schools, statutory assessment of special educational needs, exclusion of children from school and staff grievances. This procedure, however, does not cover complaints made about services provided by a third party who may use the school premises or facilities and those complaints should be directed to the service provider concerned. It also does not include complaints regarding the following topics should be directed to the LA:

- Statutory assessments of SEND
- School re-organisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the school's **Child Protection and Safeguarding Policy** and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).
Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the **Behaviour, Suspension and Exclusion Policy**.

The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the **Whistleblowing Policy and Code of Practice**. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

Staff grievances and disciplinary procedures will be dealt with in line with the **Grievance Procedure**. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.



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Definitions

Concern - an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

Complaint - an expression of dissatisfaction however made, about actions taken or a lack of action.

Serial and persistent complaintants – see Appendix 2

Raising a concern or a complaint

Any concern or complaint will be taken seriously, whether it has been raised formally or informally, and the appropriate procedures shall be taken. For the purpose of this policy, concerns will be classed and addressed as complaints. Any further references to complaints will include concerns.

A complaint may be made in person, by telephone or in writing. A clear understanding of the complaint helps us to investigate it effectively and we have provided two template forms (Appendix 3 and Appendix 4) which we hope will allow the complainant to explain the complaint and provide supporting information relating to it. It is helpful if the complainant can complete the relevant form but we will still investigate the complaint if the relevant form has not been used and we will work with the complainant to understand the details of the complaint when a template form has not been used.

Complaints are expected to be made as soon as possible after an incident arises in order to address the issue in an appropriate timescale. Livingstone applies a three-month time limit in which a complaint can be lodged regarding an incident, however, complaints made outside this time limit will not be automatically refused and exceptions will be considered.

Aims

Whether a complaint is raised verbally or in writing we aim for reconciliation between the school and the complainant by following a three stage approach and once a complaint has been made, it can be resolved or withdrawn at any stage.

There are time limits set for each stage but if needed, for example, where further investigations are necessary, we will set a new time limit and send the complainant details of the new deadline together with an explanation for the delay.



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Stage 1

If you have a complaint, you should raise it directly with a member of staff. Ask the teacher for an appointment. This will be made at a mutually convenient time. If the complaint is not resolved, raise it with the Headteacher or Deputy Headteacher, either by phone or through the office and, if necessary, arrange a mutually convenient appointment.

The complainant may be asked what they think might resolve the issue.

Stage 2

If the complaint is unresolved by the Headteacher, you should write to the Chair of Governors, care of the school office. The Chair of Governors will investigate your complaint and invite the member of staff to give his or her point of view. When this is completed, the Chair of Governors will write to you about his / her decision and inform you of any action he / she proposes to take.

Complaints against the headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the clerk to the Governing Body.

Stage 3

If you are still unhappy about the outcome, you may write a letter to the clerk of the Governing Body, care of the school, and request that the governors investigate your complaint. A small panel of the Governing Body, made up of three members, will invite you to a meeting. You will be able to put your side of the story to them. The Headteacher and Chair of Governors may also be present to give their points of view if appropriate. The panel will decide on whether or not to uphold your complaint and on the action that the school should take. Its decision is binding on the Headteacher and Chair of
Governors.

If the complaint you made has to do with the curriculum or religious worship and you are still dissatisfied with the decision of the panel, you can write to the Chief Education Officer of Barnet Council.

If the complaint is about a non-curricular matter - like bullying, the length of the school day or something else - you may take it further with and write to the Department for Education.

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

Appendix 1: Complaints Procedures

This document sets out the complaints procedure for Livingstone Primary and Nursery School. The procedure covers all matters (except those where separate statutory arrangements apply) relating to the life of the school - including matters to do with the curriculum and religious worship.

The Arrangements

The arrangements for dealing with complaints include the following:

1) Criticisms and concerns are handled informally by school staff and the Headteacher, in the first instance, not as formal complaints.
2) Formal complaints are made in writing, but may be complemented or clarified by an oral presentation.
3) Formal complaints are investigated and handled as swiftly as possible and the complainant kept fully informed throughout all stages of the investigation, preferably in writing.
4) Formal complaints are added to a log and correspondence relating to them is stored securely.
5) Each complainant will receive a formal response in writing in respect of formal complaints, once the investigation is complete.
6) The progress and final outcome of the formal complaint will be recorded. The school is aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

If, in the course of an investigation, the Governing Body considers that disciplinary action should be taken against a member of staff, disciplinary proceedings will be initiated.

Stage 1

As is the case with a grievance, a complaint can in most cases best be resolved in informal discussion with the Headteacher or a member of the school staff. A discussion at the informal stage is, more often than not, likely to resolve many a complaint. The first port of call for parental complaints is the class teacher. A complaint that is not resolved by a staff member is referred to the Headteacher. It will be dealt with as soon as possible and no later than 5 working days where practicable. However, if additional time is required the rationale for this will be communicated to the complainant.

Appendix 1: Complaints Procedures – continued

Stage 2

Where a complaint is of a serious nature and has not been resolved informally, the complainant will be directed to the Chair of the Governing Body. The Chair will offer the complainant and respondent the opportunity to make their cases - orally and / or in writing, receiving any supplementary information that is relevant to the case and decide on what to do. She or he will then inform both parties of the outcome, giving explanations of why a particular course of action was adopted. The Chair of Governors will deal with the complaint within 10 working days where practicable. This meeting will be minuted and details of any actions agreed will be issued to the complainant.

Stage 3

If the complainant is still not satisfied, she or he will be asked to escalate the complaint in writing formally to the Governing Body (for the attention of the clerk) for consideration by a Complaints Panel. It is possible that, at this stage, the complaint may well be different from the original one, as it would include dissatisfaction with the action taken by the Headteacher and Chair of Governors in handling the original perceived problem.

The panel of Governors will be appointed by the full Governing Body and consist of three members - none of whom would have had anything to do with dealing previously with the complaint. The Complaints Panel will convene within 15 working days of receipt of the escalation request or as soon as practicable thereafter. However, if additional time is required the rationale for this will be communicated to the complainant.

Written evidence will be circulated to both parties and members of the panel in advance of the meeting and the procedure will be as follows:

1) Introductions by the Chair of the panel.
2) Complainant makes statement of complaint and background.

In presenting its case, each party may call witnesses who could be questioned by the other side and members of the panel.

3) Questions to complainant by the Headteacher / Chair of Governors and members of the panel.
4) Headteacher / Chair of Governors makes statement.
5) Questions to Headteacher / Chair of Governors by complainant and members of the panel.
6) Headteacher / Chair of Governors makes final statement.
7) Complainant makes final statement.
8) Interested parties withdraw from the meeting and the panel reaches a decision on whether the complaint is upheld or rejected. In either case, the panel may call for certain action to be taken by the school.

Appendix 1: Complaints Procedures – continued

9) Both parties are informed of the decision no later than 3 working days after the hearing. (the date of the correspondence will be noted on the letter and franked mail).

The decision of the panel of Governors will be binding on the Headteacher, Chair of Governors and the school. If the complaint is a curricular one and the complainant is dissatisfied with the outcome, she or he may refer the matter to the Chief Education Officer of Barnet Council. If the complaint is related to a non-curricular matter and the complainant is dissatisfied with the decision of the governing body, she or he may take the matter further to the Secretary of State for Education on the grounds that the Governing Body has behaved unreasonably.

Should an investigation into a complaint lead to disciplining a member of staff, all those involved in the investigation or hearing will not participate in the disciplinary action that may follow - in order to secure natural justice.

Appendix 2: Serial and Persistent Complainants

Serial and Persistent Complainants

The 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 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.

Appendix 2: Serial and Persistent Complainants - continued

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 the 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.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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 the 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 person'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 person may wish to make. Schools should always give the person 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 person and either confirmed or lifted. If the decision is confirmed the person 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.

Appendix 3: Formal Complaint Form

If you have tried to sort out your complaint informally with the class teacher / Headteacher / Deputy Headteacher and have been unsuccessful and if you wish to take the matter further, please complete this form and send it to the Chair of Governors via the school office

Name _____

Address _____

_____

_____

Tel No (H) _____

(W) _____

(Mob) _____

Name of Child _____ Class _____

What is your complaint about? What would you like the Chair of Governors to do about your complaint?

_____

_____

_____

(please continue on a separate sheet, if necessary)

Signed: _____ Date: _____



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Appendix 4: Formal Complaint Escalation Request

If you have tried to sort out your complaint with the Chair of Governors and you have been unsuccessful and if you wish to take the matter further, please complete this escalation request and send it to the Clerk of the Governing Body via the school office

Name _____

Address _____

_____

_____

Tel No (H) _____

(W) _____

(Mob) _____

Name of Child _____ Class _____

What is your complaint about? What would you like the Governing Body to do about your complaint?

_____

_____

_____

(please continue on a separate sheet, if necessary)

Signed: _____ Date: _____