

## The East Staffordshire & Tamworth PRUs Federation

# COMPLAINTS POLICY

## Introduction

All schools are required by law to have a complaints policy. This policy should help resolve problems and provide a means for issues of concern to be raised and subsequently addressed. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Persistent and/or Vexatious Complainants' policy set out below.

Kettlebrook Short Stay School (KSSS) & Burton Pupil Referral Unit (BPRU) prides itself on the quality of teaching provided for its students. However, if parents/ carers or other relevant persons have concerns they can expect any issues to be treated seriously by the school in accordance with this policy document.

The Complaints Policy has been created to deal with any complaint against a member of staff or any of the schools as a whole, relating to aspects of the schools or the provision of facilities or services.

A complaint can be brought by a parent of a registered child at any of the schools or any person, including members of the general public  
This person is referred to as the complainant.

The Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure.  
This member of staff, is the Executive Headteacher over both schools.

It is expected that complaints are to be made as soon as possible after an incident arises, therefore, please be aware that the Schools reserves the right not to review a complaint made by a complainant that has not been brought to the attention of the school within 8 weeks of the alleged incident occurring. However, the Schools may still consider any complaint outside of that timescale.

## Aims

In line with the Education Act 2002, KSSS & BPRU will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the school's senior management team so that services can be improved.

## Dealing with concerns informally

- The schools recognise that a vast majority of complaints and concerns can be resolved informally.
- The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion, and whether they wish to take it further.
- The complainant should be able to bring a friend/family member or other supporter to any discussion.
- The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- The process should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that he or she can consider whether to make a formal complaint in writing to the Executive Headteacher.
- To assist in this process a complaint form should be provided. (See Appendix 1)

## Monitoring and recording complaints

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.
- How the complaint is being investigated (including written records of any interviews held).
- Results and conclusions of investigations.
- Any action taken.
- The complainant's response.
- Record of any subsequent action if required.

## Special Circumstances

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, it may be referred without further notice to LST (Children's Social Care and/or to the social services authority) for the area in which the child lives.
- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Executive Headteacher or Management Committee.
- Where a matter can be resolved through a separate statutory procedure, it will not be considered as a formal complaint. Such areas include: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

## Serial, Persistent and Unreasonable Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes.

If you do continue to make representations to the school on the same issues, the Governing Body reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed. Should you then write to the School again on the same issue (s), there is no obligation on the School to respond to you in that case.

Correspondence received from any complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.



Best\_Practice\_Advice\_for\_School\_Complaints

KSSS & BPRU are 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.

KSSS & BPRU 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 Executive Headteacher or Chair of the Management Committee will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact KSSS & BPRU 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 KSSS & BPRU.

## Complaints Procedure

### Stage 1 - Complaint Heard by Staff Member

- Complainant discusses their concerns with child's class teacher, the Executive Headteacher or if they prefer another member of the school's teaching staff.
- Where the complaint concerns the Executive Headteacher, the Executive Headteacher can refer the complainant to the chair of the Management Committee.
  
- The member of the Management Committee should not act unilaterally on an individual complaint outside the formal procedure or in case they are needed to sit on a panel at a later stage of the procedure.
- If a resolution cannot be sought at this level, or the complainant is dissatisfied at the outcome of these initial discussions, then the complainant may wish to escalate the complaint to the next level of the procedure.

## Stage 2 - Complaint Heard by Executive Headteacher

- The complainant should see the Executive Headteacher. This should be as soon as reasonably practical to avoid any possible worsening of the issue.
- The Executive Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- If the complaint is against a member of staff, the Executive Headteacher should talk to the staff member against whom the complaint has been made. If necessary, the Executive Headteacher will interview witnesses and take statements from those involved.
- The Executive Headteacher should keep reasonable written records of meetings, telephone conversations and other documentation.
- The Executive Headteacher will investigate fully and communicate findings and/or resolutions to the complainant(s) in writing depending on the nature of the issue.
- Once all the relevant facts have been established, the Executive Headteacher should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- Stage 2 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Executive Headteacher should write to the complainant giving a revised target date.
- If the complainant is not satisfied with the outcome at this stage then the complaint can be moved to the next level for review by a Management Committee Panel.
- **If the concern or complaint is against the Executive Headteacher**, in the first instance the complainant will need to write in confidence to the chair of the Management Committee.

## Stage 3 – Complaint Heard by the Management Committees’ Complaints Appeal Panel (CAP)

- Complaints at this stage should be provided in writing or otherwise notified to the Chair (or if the Chair was involved at Stage 2, the Vice Chair) of the Management Committee no later than 10 school days following receipt of a Stage 2 outcome. The Chair of the Management Committee, or a nominated member of the Management Committee, will convene a CAP.
- Written acknowledgement of the complaint will be made within 3 school days informing the complainant their complaint will be heard within 20 school days.
- A CAP will be arranged with 3 members of the Management Committee to consider the complaint. The Clerk/Chair of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Headteacher.

The Executive Headteacher (or the Chair of the Management Committee if they investigated the complaint at Stage 2) will not be a member of the CAP, although they may be present at the meeting held to consider the complaint

The complainant will be given the opportunity to attend the meeting to make representations in person and they have the right to bring a friend/family member or other supporter. (The CAP will therefore meet at a time and a venue convenient to all parties. If the complainant decides not to attend the meeting, then it may be held in their absence.)

- At the meeting everyone's case will be put across and discussed. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- The meeting should allow for:
  - The complainant to explain his or her complaint and the Executive Headteacher (or Chair or the MC if applicable) to explain the reasons for his or her decision.
  - The Executive Headteacher (or Chair or the MC if applicable) to question the complainant about the complaint and the complainant to question the Executive Headteacher (or Chair or the MC if applicable).
  - The CAP to have an opportunity to question both the complainant and the Executive Headteacher (or Chair or the MC if applicable).
  - Any party to have the right to bring witnesses (subject to the approval (not to be unreasonable withheld) of the Chair of CAP) who will be present only for the part of the meeting in which they give evidence and all parties having the right to question all the witnesses; and
  - A final statement by the Executive Headteacher (or Chair or the MC if applicable) and complainant.
  - Both parties should leave together while the CAP decide on the issues and reach a conclusion.

A written response to the complainant will be made within 15 school days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## The Role of Staffordshire County Council (Local Authority)

The Local Authority does **not** have a statutory duty to consider school complaints and you do **not** have a right of appeal to the Local Authority should you disagree with a decision of the Management Committee. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the Management Committee followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the Management Committee.

If you wish to raise the matter with Staffordshire County Council please write to:

[complaints&customerfeedback@staffordshire.gov.uk](mailto:complaints&customerfeedback@staffordshire.gov.uk)

In your letter please explain:

- what your complaint to the MC was;
- what response they have made to it;
- why you think that the MC has not followed a proper procedure in considering your complaint, and/or
- why you think that their consideration of it was unreasonable.

You will receive a written response to inform you of any further enquiries made into your complaint.

## **Role of the Secretary of State, Department for Education**

If you still remain dissatisfied and feel that the School has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the **School's Complaints Unit (SCU)** within the Department for Education at the address below:-

The Schools Complaints Unit  
Department for Education  
2<sup>nd</sup> Floor Piccadilly Gate  
Manchester  
M1 2WD

Please note that the SCU will not re-investigate the substance of the complaint as this remains the responsibility of the School, but if legislative or policy breaches are found, SCU will report them to the School and, if necessary require the School to take remedial action.

## **Roles & Responsibilities**

### **The Remit of the CAP**

The panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any member of the Management Committee, sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is **independent and impartial** and that it is seen to be so. No member of the Management Committee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Management Committee need to try and ensure that it is a cross-section of the categories of the Management Committee and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- Members of the Management Committee sitting on the panel need to be aware of the complaints procedure.

## The Role of the Clerk

Schools are strongly advised that any panel or group of the Management Committee considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- 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.
- Notify all parties of the panel's decision.

## The Role of the Chair of the Management Committee or the Nominated member of the Management Committee

The nominated member of the Management Committee role:



- Check that the correct procedure has been followed.
- If a hearing is appropriate, notify the clerk to arrange the panel.

## The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy.
- The panel is open minded and acting independently.
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions.
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.



## Appendix 1

### Complaints Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Executive Headteacher. (If your complaint is against the Executive Headteacher you will need to send the form to the Clerk of the Management Committee.

**Name:**

**Address:**

**Tel. No/Mobile:**

**Postcode:**

**Email:**

**Name of child:**

**Date of Birth of child:**

**What is your complaint about and what would you like the Executive Headteacher to do?**

**When did you discuss your concern/complaint with the appropriate member of staff?**