

Complaints policy and procedure for Portesbery School

Autumn Term 2016



SURREY

A model complaints procedure for Surrey maintained schools, academies and free schools

Portesbery School Complaints Procedure

Approved by the governing body November 2016
Review Date Autumn 2017

Introduction

Portesbery School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing body of *Portesbery School* has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Raising concerns

The majority of concerns can be dealt with without resorting to the 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 form/class tutor/head of year/relevant subject leader>* 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 1998. 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.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the school office.

- Child protection/ safeguarding; Surrey Safeguarding Children Board procedures apply (<http://www.surreyscb.org.uk/>). For further information contact the Surrey County Council (SCC) Contact Centre on 0300 200 1004. If at any time a child protection concern becomes apparent, the child protection process takes precedence over the complaints process, which will be halted until the child protection matter is resolved.
- Pupil admissions; please see the school's admissions policy or contact Surrey SEN.
- Pupil exclusions; please see the school's behaviour policy or Department for Education (DfE) guidance on exclusions (www.gov.uk)
- Statutory assessments of Special Educational Needs and Disability (SEND); refer to the Surrey Local Offer website (www.surreysendlo.co.uk) or contact the Local Authority where you live.
- Staff grievance, capability or disciplinary; these are covered by the school's grievance/disciplinary/capability/whistleblowing procedure.
- Where the complaint concerns a third party used by the school, or a third party which uses the school premises; please complain directly to the third party themselves.
- Subject Access Requests and Freedom of Information Requests; please see the school's Data Protection and Freedom of Information policy
- Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010; the complaints procedure applies but the complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.

Anonymous complaints will be investigated as far as possible.

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 <*details of where this can be found*>.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, *Portesbery School* requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

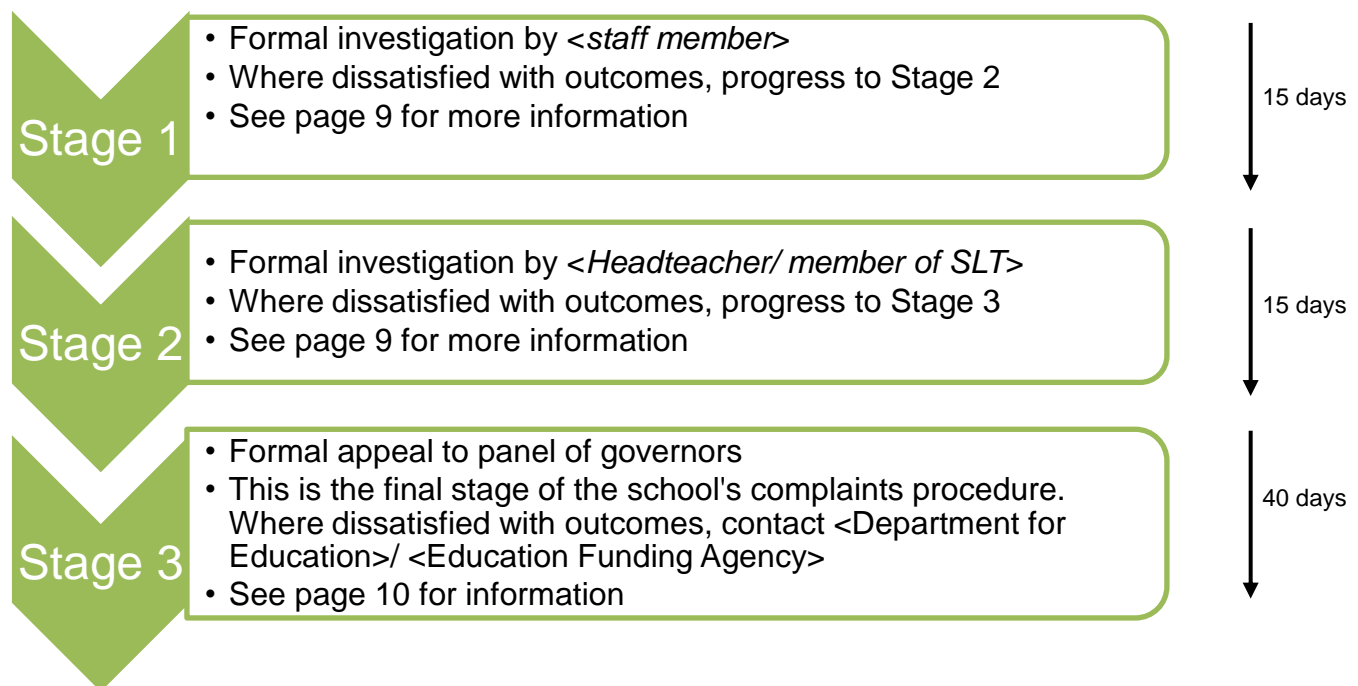
If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a resolution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Timeline for formal complaints

All timescales in this document refer to school working days ie excluding weekends, school holidays etc.



Timeframes

Portesbery School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint. 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.

Portesbery 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. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

Who should I approach?

Educational matters: Class teacher or member of the Senior Leadership Team (Head Teacher or Assistant Head Teacher)

Pastoral care: Class teacher

Disciplinary matters: Senior Leadership Team (Head Teacher or Assistant Head Teacher)

Financial/Administration matters: School Business Manager

Complaint about a staff member's conduct: direct approach to the staff member themselves, or where this is thought inappropriate/ does not resolve the situation, their line manager should be approached.

Complaints about the Headteacher or the governors

Where a complaint concerns the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, or if they have good reason to feel it is inappropriate to approach the Headteacher in the first instance, they should notify the clerk to the governors (see contact details at the end of the document). The Stage 2 process (in line with the process outlined on page 9) will then commence, but with the Chair of Governors or another nominated governor as the individual responsible for the investigation rather than the Headteacher/ member of the SLT.

Where a complaint concerns a governor the complainant should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 2 will take immediate effect with the Chair of Governors or another nominated governor undertaking the investigation. Where a complaint concerns the Chair of Governors, the investigation will be carried out by the Vice Chair or another nominated governor.

In exceptional circumstances the governing body may appoint an independent investigator to look into the concerns.

If the complaint is not resolved then the complainant should write to the clerk to the governors, requesting that the complaint is considered by the Complaint Appeal Panel (in line with the process outlined on page 10).

Formal Stages of the Complaint Procedure

Stage 1 – Investigation by a staff member

Where as a result of raising a concern the complainant still feels that the issue has not been resolved, or where the outcome has been that the complaint needs further investigation, he/she may progress by making a formal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the class teacher.
2. The complainant must explain in writing
 - an overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The class teacher will acknowledge receipt within 5 days of having received the written complaint, and explain what action they intend to take.
4. The staff member will provide the complainant and Headteacher with written confirmation of the outcome of their investigation within 15 days of receipt of the written complaint. Where the complaint is about a member of staff an informal mediation meeting may be offered to see if a resolution can be reached. Where the complainant is not satisfied with the outcome, he/she is able to progress to stage 2 of the complaints process.
5. The staff member will make and retain a record of the concern and the outcomes of the investigation.

Stage 2 – Investigation by Headteacher/ member of the senior leadership team (SLT)

1. The complainant may submit a Stage 2 complaints form to the Headteacher/ member of the SLT. See the end of the procedure for the SLT member's contact details and for a copy of this form.
2. The Headteacher/ SLT member will respond in writing within 5 days of the date of receipt of the complaint to acknowledge receipt and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Act 1998.
4. In most cases the Headteacher/ SLT member should offer to have a meeting with the complainant at the outset of the process.
5. The Headteacher/ SLT member will consider all relevant evidence; this may include but is not limited to:
 - evidence and outcome from Stage 1 investigation

- a statement from the complainant,
 - where relevant a meeting with/ statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents from all parties
 - interview with anyone related to the complaint.
6. After considering the available evidence, the Headteacher/ SLT member can:
- uphold the complaint and direct that certain action be taken to resolve it
 - not uphold the complaint and provide the complainant with details of the stage three appeals process
 - uphold the complaint in part: in other words, the Headteacher/ SLT member may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The Headteacher/ SLT member should inform the complainant of their decision in writing within 15 days of receipt of the complaint. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. Finally, they should provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the clerk to the governors (Appendix B). In addition to making the response in writing, the Headteacher/ member of SLT may also wish to meet the complainant to discuss/resolve the matter directly. Should the complaint not be resolved mediation may be helpful. This can be arranged through the Area Schools Support Service and will be impartial and objective.

Stage 3 –Complaint Appeal Panel of the <local> Governing body

If the complainant wishes to appeal a decision by the Headteacher/ SLT member at stage 2 of the procedure, or he/she is not satisfied with the action that the Headteacher/ SLT member took in relation to the complaint, the complainant is able to appeal this decision. The complainant must request an appeal panel within 10 days of receiving the SLT member's decision or it will not be considered, except in exceptional circumstances. He/she should briefly outline the content of the complaint and request that a complaints appeal panel is convened.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting. The minutes are a summary of the discussion at the hearing and the decision of the panel following the hearing, but will not include the deliberations of the panel. The minutes are the property of the governing body.

The following steps will be followed:

1. The clerk will write to the complainant within five days to confirm receipt of the appeal request and detail further action to be taken.

2. a) Academies: The clerk will convene a panel of two school governors/academy trustees and one independent member
- b) Maintained schools: The clerk will convene a panel of three governors.

All three panel members will have no prior knowledge of the content of the complaint. Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately the decision is made by governors.

3. The appeal hearing will take place within 30 days of receipt of the request for the Stage 3 appeal. If the first identified date is not convenient for the complainant, up to two further dates should be offered. If these all fail to be suitable then the meeting may be conducted in private by the Complaint Appeal Panel
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the Headteacher/ SLT member who dealt with the complaint at Stage 2
 - relevant witnesses
 - Area Schools Officer (procedural advice)

The complainant can bring a companion with them to the hearing for support if he/she wishes. He/she should advise the clerk of the name of this supportive companion prior to the hearing. The supportive companion is not there as a witness, so does not address the panel except with the prior agreement of the chair.

Neither party is able to bring legal representation with them.

If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

5. The panel can make the following decisions:
 - 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.
6. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 10 days.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details on page 15. The school will not consider the complaint beyond this.

Retention

The complaint investigator/ the Chair of the Complaint Appeal Panel should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file,

separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 1998. The complainant should be informed that this will be done.

Unreasonable complaints and serial and persistent complainants

Portesbery 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.

Portesbery 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;
- 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' 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 Portesbery 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 Portesbery 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.

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors (see Appendix B) or the Surrey County Council Area Schools Officer (see Appendix A).
- If the complainant feels that the governing body acted unreasonably in the handling of the complaint, he/she can complain to the Department for Education (for maintained schools) or the Education Funding Agency (for academies and Free Schools) after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

Maintained schools

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Academies/Free Schools

Education Funding Agency
Complaints
Chief Executive's Office
53-55 Butts Road
Earlsdon Park
Coventry
CV1 3BH

- Ofsted will also consider complaints about schools. Complainants can contact Ofsted if they think a school isn't run properly and needs inspecting. Ofsted will not look into problems with individual students. This course of action is only available if the school's complaints procedure has already been followed.

<https://contact.ofsted.gov.uk/onlinecomplaints>

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*

<https://www.gov.uk/government/publications/school-complaints-procedures>

Appendix A

Surrey County Council Area Schools Support Service contact details

<p>North East Surrey (Elmbridge, Epsom & Ewell, Spelthorne)</p> <p>Caroline Marden Area Schools Officer Telephone: 01372 833412 Email: caroline.marden@surreycc.gov.uk</p> <p>Mariette Masters Area Schools Assistant Telephone: 01372 833412 Email: mariette.masters@surreycc.gov.uk</p> <p>Esher Civic Centre, High Street, Esher, KT10 9SD</p>	<p>North West Surrey (Runnymede, Surrey Heath, Woking)</p> <p>Kate Prince Area Schools Officer Telephone: 01483 518104 Email: kate.prince@surreycc.gov.uk</p> <p>Samantha Fearnough Area Schools Assistant Telephone: 01483 518106 Email: samantha.fearnough@surreycc.gov.uk</p> <p>Quadrant Court, Guildford Rd, Woking, GU22 7QQ</p>
<p>South East Surrey (Mole Valley, Reigate & Banstead, Tandridge)</p> <p>Ann Butters Area Schools Officer Telephone: 01737 737960 Email: ann.butters@surreycc.gov.uk</p> <p>Debbie Gooch Area Schools Assistant Telephone: 01737 737961 Email: deborah.gooch@surreycc.gov.uk</p> <p>Consort House, 5-7 Queensway, Redhill, RH1 1YB</p>	<p>South West Surrey (Guildford and Waverley)</p> <p>Jane van den Broeke Area Schools Officer Telephone: 01483 517835 Email: jane.vandenbroeke@surreycc.gov.uk</p> <p>Jackie Hunt Area Schools Assistant Telephone: 01483 517835 Email: jackie.hunt@surreycc.gov.uk</p> <p>Quadrant Court, Guildford Rd, Woking, GU22 7QQ</p>

Appendix B

School contact details

*Portesbery School
Newfoundland Road
Deepcut
Camberley
Surrey
GU16 6TA*

Tel: 01252 832100

Email: contact@portesbery.surrey.sch.uk

Head teacher: nathan.aspinall@portesbery.surrey.sch.uk

Assistant Head Teacher (Acting): clare.walker@portesbery.surrey.sch.uk

Assistant Head Teacher (Acting): kirsty.hodge@portesbery.surrey.sch.uk

Clerk to the governing body: Mr Chris Thomas thomas49@waitrose.com

Appendix C

Roles and responsibilities

It is expected that all those involved in a complaint are treated respectfully.

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;

The complaint investigator (staff member, member of SLT, Headteacher or governor)

The investigator is the person involved in Stage 1 or 2 of the procedure. The investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the complainant to clarify what he/she feels would put things right
- responding to the complainant in plain and clear language

The investigator should make sure that they:

- conduct interviews with an open mind and are prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Stage 3 Complaint Appeal Panel Clerk

The Clerk is the contact point for the complainant for this panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the venue and proceedings are accessible. If the date set for the hearing is not convenient for the complainant
- 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 to the complainant, the panel, the Headteacher and the Area Schools Officer (if in attendance);
- notify all parties of the panel's decision;

The Stage 3 Complaint Appeal Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the procedure for the hearing is explained;
- the role of the clerk and the Area Schools Officer is explained (including that they take no part in the decision-making but are there to record proceedings and provide procedural advice);
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- the hearing is conducted in a manner whereby everyone is treated with respect and courtesy;
- 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

Area Schools Support Service

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, governors and complainants at all stages of the complaints process.

Appendix D

Portesbery School Formal Complaints Form (Stage 2)

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:
Date:

Official use

Date received:

Signed: