



# Dorothy Barley Infant School

## Complaints Policy

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**This policy was reviewed on:**

**Date:** January 2022

**By:** A. Ratford

**Policy will be reviewed on:** January 2024

**This policy was ratified/reviewed by Governors on:**

**Date:** TBC

**Frequency of review:** Every 2 years

Note: This policy has been written in line with the following guidance:

**DfE: Best Practice Advice for School Complaints Procedures 2019**

*Departmental advice for maintained schools, maintained nursery schools and local authorities*

## General Principle

The prime aim of Dorothy Barley Infant School's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by the school.

- *This procedure is intended to allow you to raise a concern or complaint relating to the school, or any of the services that it provides.*
- *An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.*
- *To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.*

Please tell us of your concern as soon as possible. It is difficult for us to investigate an incident or problem properly if it took place some time ago. For the school to be able to thoroughly investigate a complaint, it needs to be made within one month of the incident occurring. We do appreciate the assistance we receive from parents in addressing any problems that arise.

We receive very few complaints. Problems sometimes arise from misunderstandings that are easily addressed. Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. When parents and teachers treat each other with mutual respect and support, this provides a very good role model for all our children.

In accordance with Barking and Dagenham's procedures, there are 3 in-school stages, followed by an external stage which is heard by the Secretary of State for Education under Education Act 1996; the DfE will be notified in all cases.

A copy of Barking and Dagenham's Disciplinary Procedure for Teaching Staff at Locally Managed Schools is also available upon request.

## Stages

### Stage 1

Complaint heard by staff member (although not if they are the subject of the complaint)

Please fill in our Parent/Guardian Concern Form. The form is also available at the office or through your child's class teacher. If unresolved, the matter will be passed to the appropriate Key Stage Assistant Head. The next stage is to a member of the Senior Leadership Team.

Timescale for response:

***Within 5 school days from receipt of complaint***

### Stage 2 (formal)

Complaint heard by Head of School or Executive Head At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial

complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Timescale for response:

***Within 10 school days from receipt of complaint***

### **Stage 3 (formal)**

Complaint heard by Chair of Governors If the complainant is not satisfied with the response of the Head Teacher. If the complaint is about the Head Teacher, the complainant should write to the Chair of Governors giving details of the complaint and asking that it is put before the appeal panel. The teacher also has right to appeal to the Appeals Committee of the Governing Body within ten days of the date of the warning. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

- *The Chair acknowledges receipt of the written complaint, informing the complainant that the complaint is to be heard by a Committee of three members of the School's Governing Body within 20 working days from original receipt of complaint.*
- *The Chair 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 relevant 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 concerned of the date, time and place of the meeting at least 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend and the right to submit further written evidence.*
- *After the meeting, the Committee will consider the evidence and a written decision will be sent to both the Head and the complainant within 5 school days.*
- *The Governors appeal hearing is the last school-based stage of the complaints process.*

Timescale for response:

***Within 20 school days from original receipt of complaint.***

### **Stage 4**

If the complainant is not satisfied with the response of the Chair. The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel. The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Timescale for response:

***Within 5 school days from notification***

**Final Stage:** Further right of progressing a complaint.

The Chair of the above Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is

usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

**Department for Education**, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD

**\*\* See Flowchart in appendix\*\***

## **Dorothy Barley Infant School procedure for handling unreasonably persistent, harassing or abusive complainants**

The Headteacher and Governing Body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this document is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by ‘an unreasonably persistent complainant’?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- Actions which are
  - *Out of proportion to the nature of the complaint, or*
  - *Persistent – even when the complaints procedure has been exhausted, or - Personally harassing or*
  - *Unjustifiably repetitious*
  
- An insistence on
  - *Pursuing unjustified complaints and/or*
  - *Unrealistic outcomes to justified complaints*
  - *Pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or*
  - *Making complaints in public or via a social networking site such as Facebook; or*
  - *Refusing to attend appointments to discuss the complaint.*

## What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- *It appears to be deliberately targeted at one or more members of school staff or others, without good cause;*
- *The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;*
- *It has a significant and disproportionate adverse effect on the school community.*

## What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- *Treat all members of the school community with courtesy and respect;*
- *Respect the needs of pupils and staff within the school;*
- *Avoid the use of violence, or threats, of violence, towards people or property;*
- *Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint; □ Follow the school's complaints procedure.*

## Schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate.

- *Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;*
- *Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/Harassment Policy;*
- *Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;*
- *Inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.*

## Physical or verbal aggression

The Governing Body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- *Ban the individual from entering the school site, with immediate effect;*
- *Request an Anti-Social Behaviour Order (ASBO);*
- *Prosecute under anti-Harassment legislation;*
- *Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.*

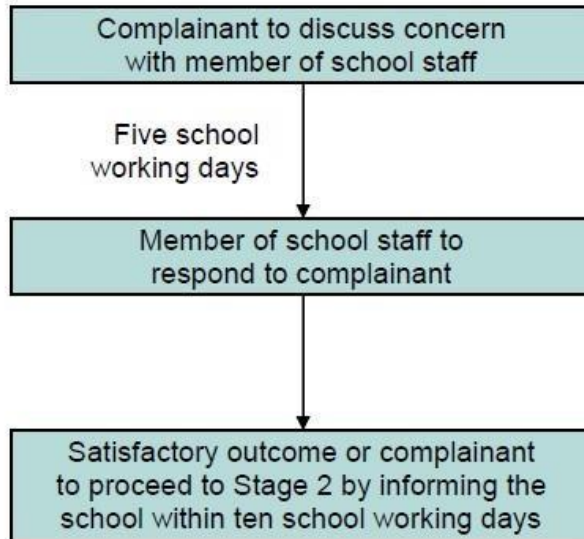
Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

## Annex A Procedure & Flowchart

<p><b>STAGE ONE:</b> INFORMAL</p> <p>Complainant to proceed to Stage 2 by informing the school within 10 school working days</p>	<p>Expression of concern to member of staff. <b>School to respond within 5 school days</b></p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓                      ↓</p> <p><b>No:</b> Go to stage 2    <b>Yes:</b> No further action</p>
<p><b>STAGE TWO:</b> HEADTEACHER'S INVESTIGATION</p> <p>Complainant to proceed to Stage 3 by informing the school within 10 school working days</p>	<p style="text-align: center;">↓                      Complainant makes verbal/written complaint to headteacher</p> <p>Investigation conducted and outcome reported to complainant. <b>School to respond within 10 school days from original receipt of complaint</b></p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓                      ↓</p> <p><b>No:</b> Go to stage 3    <b>Yes:</b> No further action</p>
<p><b>STAGE THREE:</b> CHAIR OF GOVERNORS/ GOVERNORS INVESTIGATION</p> <p>Complainant to proceed to Stage 3 by informing the school within 10 school working days</p>	<p>If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.</p> <p>Investigation conducted and outcome reported to complainant.</p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓                      ↓</p> <p><b>No:</b> Go to stage 4    <b>Yes:</b> No further action</p>
<p><b>STAGE FOUR:</b> GOVERNORS' APPEAL PANEL</p>	<p>If the complainant is not satisfied with the response of the Chair. The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel (<b>School to respond within 5 school days from notification</b>). The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.</p> <p>The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.</p>
<p><b>FINAL STAGE: FURTHER RIGHT OF PROGRESSING COMPLAINT</b></p> <p>The Chair of the above Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.</p> <p>Complainants should be advised to write to The School Complaints Unit (SCU) at:</p>	

**Stage One Flowchart**

Discuss concern with member of school staff

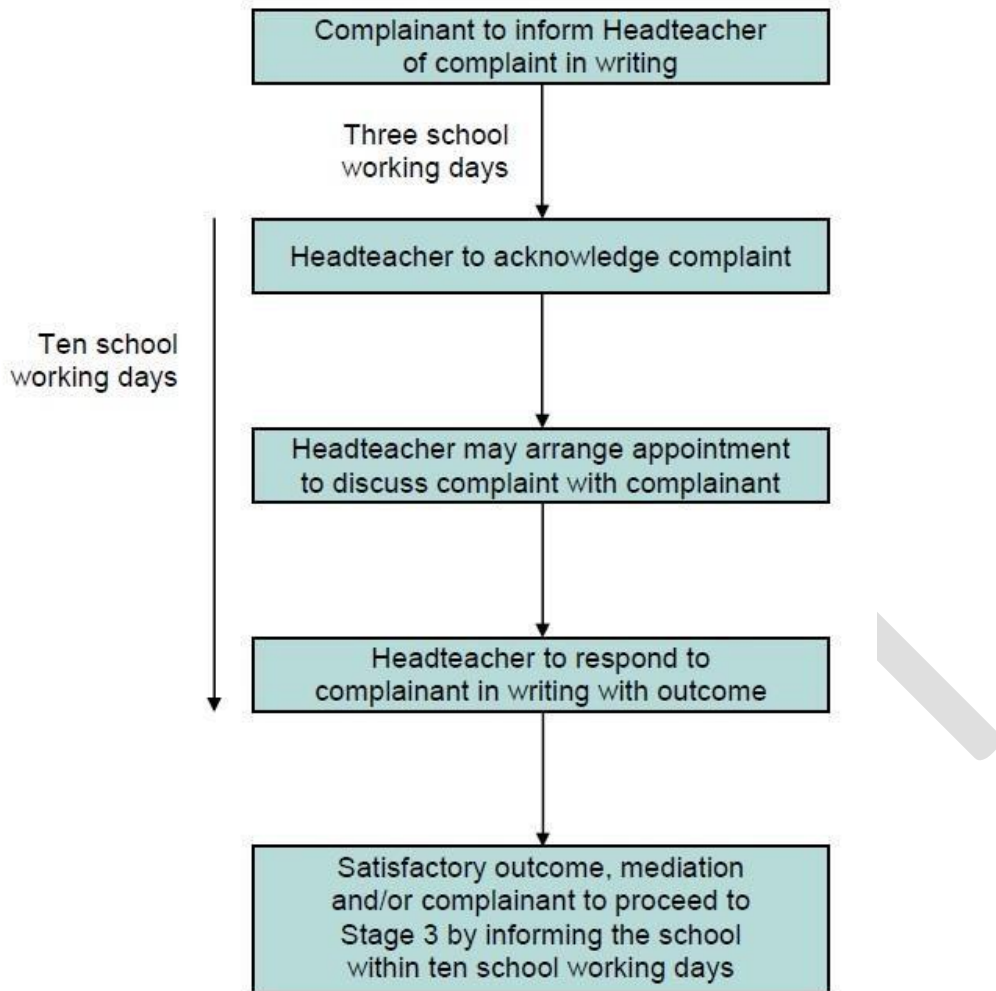


**Stage Two Flowchart**

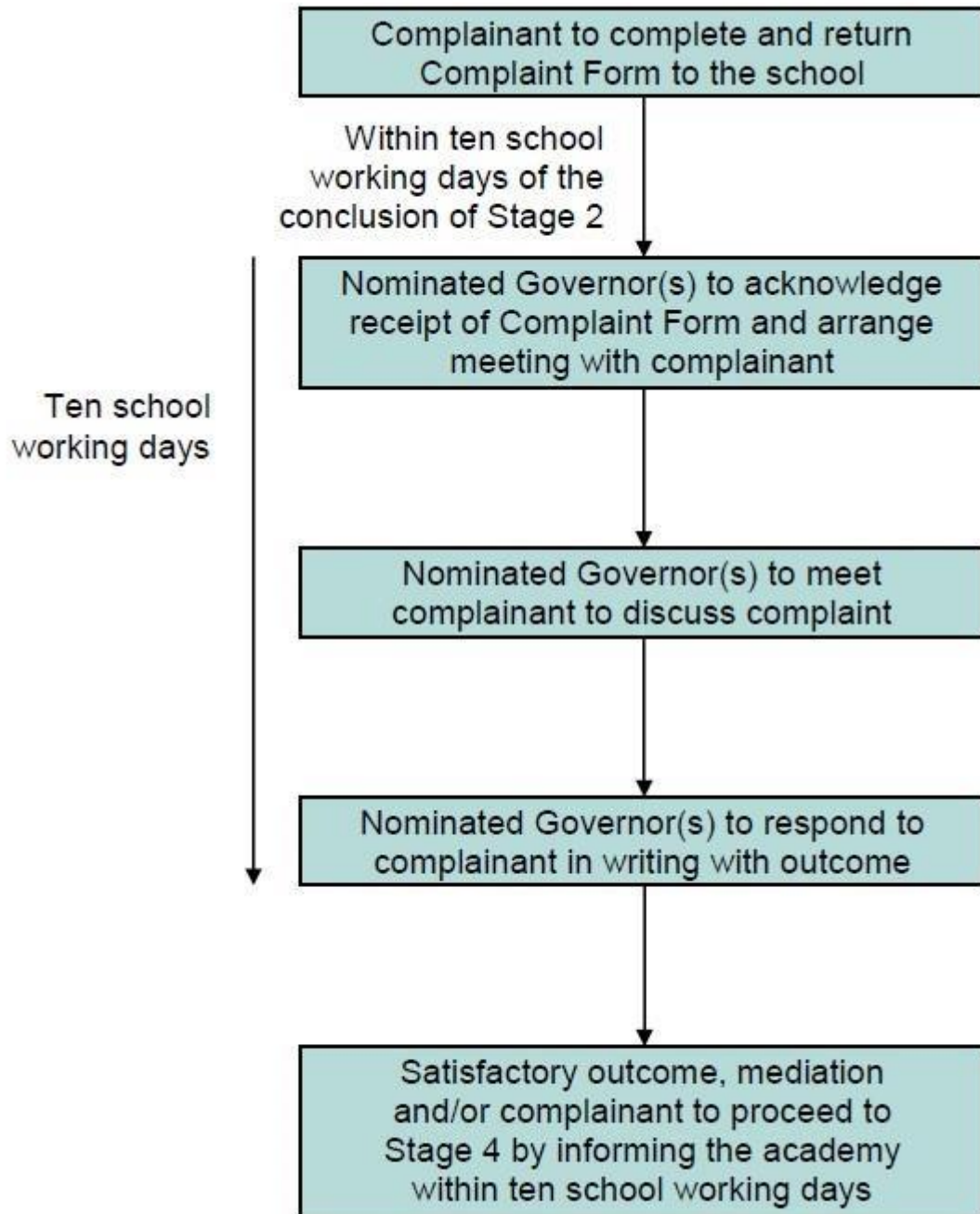
DRAFT



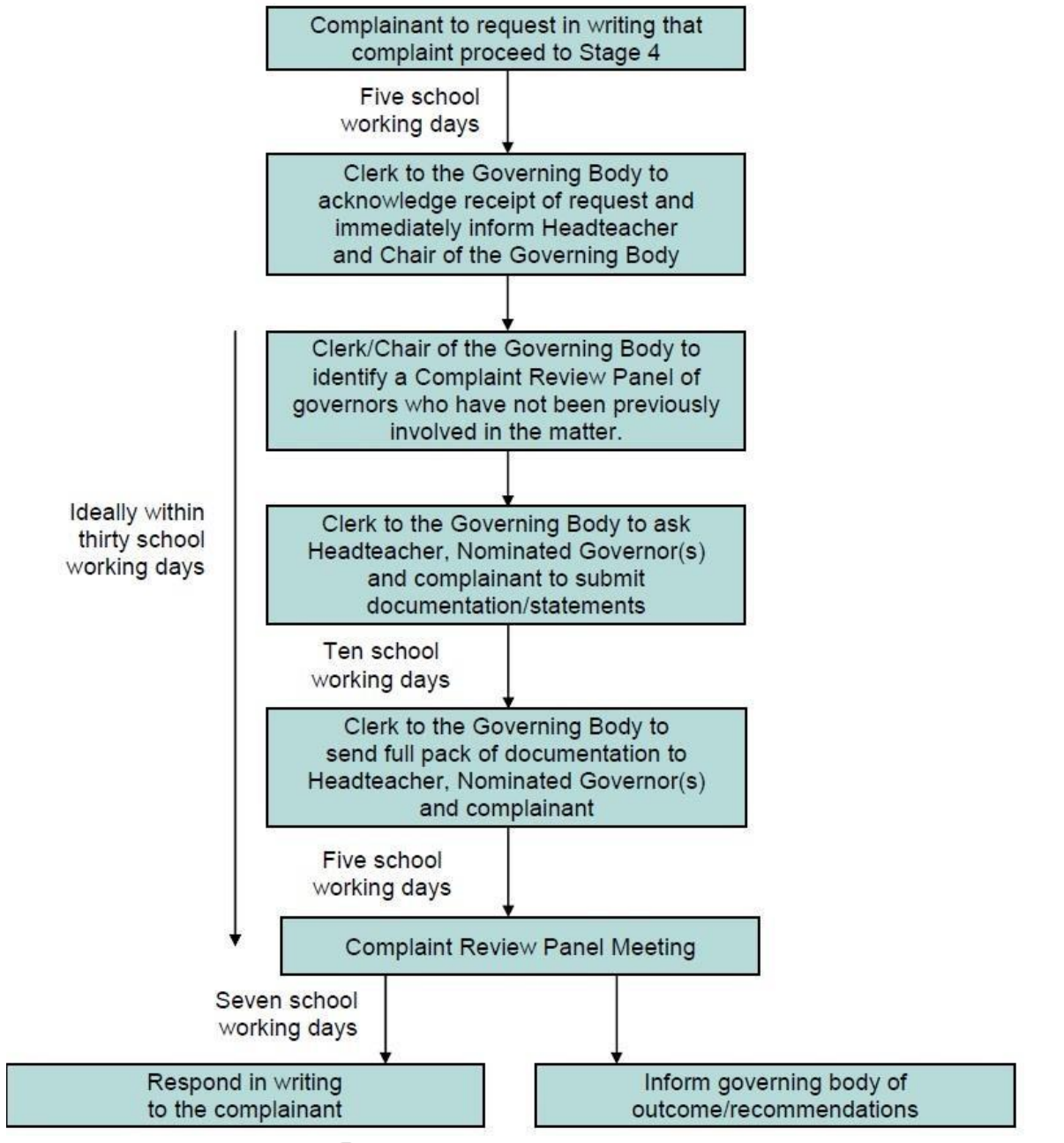
Consideration by the Headteacher (or other appropriate person)



**Stage Three flowchart**



**Stage Four Flowchart**



**Time Limits:** Complaints need to be considered, and resolved, as quickly and efficiently as possible. This procedure requires that specific time limits for all action within every stage are observed. Where further investigations are necessary, new time limits should be set and the complainant would need to be informed of this change and the reason

**School's complaint form**

**Please complete and return to ..... (Complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?**

**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:**

DRAFT

**Letter of acknowledgement to Parent on receipt of complaint**

Dear .....

**COMPLAINT ABOUT.....**

I am writing to acknowledge receipt of your complaint dated .....

I shall arrange a Panel of Governors to investigate your complaint. The Panel will meet to decide what it needs to do to ensure it has all the relevant evidence and to plan a realistic timetable for the investigation. When this planning is complete, we shall write to you again with further details. You should receive that letter by .....

I enclose a copy of our complaints procedure.

Yours sincerely,

**Chair of the Governing Body**

enc.

Cc. Headteacher

**Letter to Headteacher on receipt of Parent's complaint**

Dear .....

**COMPLAINT ABOUT .....**

I have received a letter of complaint from .....(name of Parent) dated ..... I enclose a copy of the complaint for your information.

In line with our complaints procedure, I shall arrange a Panel of Governors to investigate the complaint. The Panel will meet to decide what it needs to do to ensure it has all the relevant evidence and to plan a realistic timetable for the investigation. When this planning is complete, we shall write to you again with further details. You should receive that letter by .....

You will appreciate that the Governing Body must be equally fair to both sides in investigating this complaint.

**Annex D**

I would be grateful if you could send me a written statement responding to the complaint. You will have an opportunity to expand on the statement but it would be very helpful if you can submit your initial statement before the Panel meets to plan its investigation on ..... (date).

Yours sincerely,

**Chair of the Governing Body**

enc.

**Letter to Complaints Team informing about a complaint concerning SEND**

Date .....

Dear

**COMPLAINT CONCERNING SEN**

The Governing Body has received a complaint from name ..... dated ..... concerning .....

I enclose a copy of the complaint.

The Governing Body will investigate the complaint and report the outcome to you as soon as the investigation is complete.

Yours sincerely,

**Chair of the Governing Body**

enc.

**Considering the evidence  
A suggested format for clarifying issues and seeking information**



**What is the complaint?**

**What facts are not disputed?**

- 
- 
- 
- 
- 

**What facts do we need to establish**

**How?**  
*(documentation from .....  
questioning of .....)*

**Comments**

**Letter to Parent inviting them to clarify the complaint**

Dear .....

**COMPLAINT ABOUT .....**

The Chair/Clerk has passed your complaint to me as the Chair of the Complaints Panel. The Panel of Governors has met to plan our investigation of your complaint. Members of the Panel are ..... (Named Governors)

We would like to get a clearer understanding of your complaint before we start the investigation. The questions we would particularly like to ask are:

We think it would be helpful if you could meet with the Panel to give us more detail of your complaint. We have arranged a meeting on .....(date) and hope that you will be able to attend. If you cannot attend on that date please contact me (telephone) and we shall try to arrange another time. You may prefer to write with more details. If so, please reply by .....(the day before the suggested meeting date).

Your daughter/son .....(name) may also be able to help us clarify some points. We should be very pleased if you are able to bring her/him with you to this meeting. We cannot insist that she/he attends.

**The meeting we suggest is not a formal hearing of your complaint.** The Panel would not come to a decision at this stage.

You may be accompanied at the meeting, if you wish, by a friend, or representative who may speak on your behalf. *(You may also bring an interpreter of your choice, if you need one.)*

Please let me know, as soon as possible, whether you will attend the meeting on ..... (date).

Yours sincerely,

**Chair of Complaints Panel**

**To member of Staff required to give evidence**

Dear

**COMPLAINT ABOUT .....**

The Governing Body has received a complaint from ..... and a Panel has been convened to consider the complaint comprising ..... (named Governors).

The Panel is keen to establish all the relevant facts and it would be very helpful if we could interview you to ascertain ..... (what are the questions you wish to ask?).

We are therefore asking you to attend .....(the arrangements that you have decided).

**This meeting is not a formal hearing of .....’s complaint** but you are entitled to be accompanied by a friend or representative, if you wish. I should be grateful if you would confirm your attendance at this meeting and let me know the name and status of any friend or representative who will accompany you.

I enclose a copy of the school’s complaints procedure for your information.

Yours sincerely,

**Chair of Complaints Panel.**

**Letter to Parents and Headteacher giving date of the formal hearing**

Dear .....

**COMPLAINT ABOUT .....**

The Chair/Clerk has passed your complaint on to me as the Chair of the complaints Panel. The Panel of Governors has met to plan our investigation of your complaint. Members of the Panel are .....(named Governors).

We have arranged a formal hearing of the complaint on .....(date and time) at ..... (venue).

Your child may give evidence if you wish. (This is only applicable in the letter to the Parent).

You are entitled to be accompanied by a friend or representative, if you wish. I should be grateful if you would confirm your attendance at this meeting and let me know the name of any friend or representative who will accompany you by ..... (date, at least 9 days ahead of formal hearing). It would help us to know in which capacity the additional person is attending - Interpreter, Legal Representative, Friend etc).

I shall write to you by .....(date, at least 7 days ahead of formal hearing) to let you know the names of everyone attending the formal hearing and enclosing copies of

all the written evidence provided by the Parents, the Headteacher and any witnesses. If you wish to submit any further evidence, please send it to me by ..... (date, at least 9 days ahead of formal hearing).

Yours sincerely,

**Chair of Complaints Panel.**

cc Parent/Headteacher

**Letter to member of Staff named in the complaint**

Dear .....

**COMPLAINT ABOUT .....**

The Governing Body has received a complaint from ..... (named Parents) in which you are named. I enclose a copy of the complaint and the school's complaints procedure for your information.

We have arranged a formal hearing of the complaint on .....(date and time) at ..... (venue).

As a member of Staff named in the complaint you are entitled to attend although we do not wish to call you as a witness. You are entitled to be accompanied by a friend or representative, if you wish.

I should be grateful if you would let me know whether you wish to attend this hearing and inform me of the name of any friend or representative who will accompany you by ..... (date, at least 9 days ahead of formal hearing). It would help us to know in which capacity the additional person is attending - legal representative, union representative, friend etc).

I shall write to you by .....(date, at least 7 days ahead of formal hearing) to let you know the names of everyone attending the formal hearing and enclosing copies of all the written evidence provided by the Parents, the Headteacher and any witnesses.

Yours sincerely,

**Chair of Complaints Panel**