



Concerns and complaints policy

Context

At St Ebbe's, we take all concerns and complaints about the quality of our provision very seriously. This is not just in order to resolve particular situations as they arise, but also to ensure that both the individuals concerned and the School as a whole can learn and improve as a result. We therefore aim to create an environment in which:

- (1) any **concerns** about the quality of our provision can be shared easily and acted on quickly, not just to resolve the immediate situation, but to make any necessary changes to School policies, processes or practices as necessary
- (2) **complaints** are addressed sensitively and professionally through a clear, straightforward process that enables all parties to be heard, situations to be resolved amicably, and any lessons learned to be adopted quickly.

We define a **concern** as an expression of worry or doubt over *an issue* considered to be important, and a **complaint** as an expression of dissatisfaction about *actions taken or a lack of action*.

Policy

The School will:

- Accept concerns and complaints from any person, including members of the public, about any provision of facilities or service. The School will not normally accept anonymous complaints
- Create a culture in which anyone with a concern can feel comfortable sharing it at the appropriate level, will feel listened to, and confident that appropriate action will be taken to address the situation
- Seek to resolve issues through face to face conversation wherever possible
- Provide a clear procedure for making formal complaints, which is easy for all parties to understand and follow, and is conducted in a professional manner
- Protect staff in situations where concerns or complaints are raised in a vexatious, abusive, repetitive or deceptive manner

How will we know it's working?

The School and Governing Body will track the efficacy of this policy through:

- The number of concerns and complaints received
- Staff and parent surveys
- Feedback from complainants following completion of the published complaints procedure

For more information

The school has a statutory obligation to publish a procedure for raising complaints under Section 29(1)(b) of the Education Act 2002¹. The Department for Education has issued non-statutory guidance on complaints procedures, which informs the School's concerns and complaints procedures².

¹ <https://www.legislation.gov.uk/ukpga/2002/32/section/29>

² <https://www.gov.uk/government/publications/School-complaints-procedures/best-practice-advice-for-School-complaints-procedures-2019>

Procedure for raising concerns and complaints

Procedure

1) Raising concerns

Where possible, please raise concerns directly with the class teacher or appropriate member of staff. If this does not seem appropriate, or you do not feel comfortable doing so, please do speak to any member of the Senior Leadership Team:

Fionnuala Woods:	EYFS (Clare Whyles until September 2019)
Tara Pullin:	Year 1 & 2
Louise Sumser:	Year 3 & 4
Simon Godby:	Year 5 & 6
Clare Whyles:	Deputy Headteacher
Tina Farr:	Headteacher
Sue Whidborne:	SENCO

Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to one of the named members of the leadership team above.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the School will attempt to resolve the issue internally through the complaints procedure below.

2) Raising complaints

Please note that:

- Not all complaints are considered by the School. Please consult Appendix 1 for a list of subjects that are dealt with by different authorities under other statutory procedures
- The School will not consider serial or unreasonable complaints, as described in Appendix 2
- You must raise the complaint within three months of the incident(s). We will consider complaints made outside of term time to have been received on the first School day after the holiday period.
- You should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Making the complaint

Complaints should be made in writing, via the School office, in an envelope marked Private and Confidential. You can use the form [available from the school's website here](#).³

Address complaints:

- against School staff (except the Headteacher) to Tina Farr (the Headteacher),
- against the Headteacher to Steve Whitla (the Chair of Governors),
- against the Chair of Governors, individual governors or the whole Governing Body to Phil Doubtfire (the Clerk to the Governing Body)

³ If you require help in completing the form, please contact the School office. You can also ask third party organisations like the Citizens Advice to help you. In accordance with equality law, we will consider making reasonable adjustments to the process if required by complainants (for example, providing information in alternative formats or holding meetings in accessible locations)

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On receipt of the complaint form the recipient will:

- Confirm receipt of the complaint (either by letter or e-mail) within five School days;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right

If a complainant wants to withdraw their complaint at any stage in this procedure, we will ask them to confirm this in writing.

Stage 1: investigation

Immediately on receipt of the complaint and/or where a resolution cannot be reached through mediation (see below), an investigation will be conducted, as follows:

- Complaints about staff will normally be investigated by the Headteacher or a member of the Senior Leadership Team
- Complaints about the Headteacher will normally be investigated by a member or members of the Governing Body
- Complaints about individual members of the Governing Body will normally be investigated by another member of the Governing body with no prior knowledge of the issue
- Complaints about the entire Governing Body, or complaints where the nature of the allegations calls for it, will be investigated by an independent investigator appointed by (as appropriate) the Governing Body, the Oxford Diocesan Board of Education or the Local Authority.

The recipient will notify the complainant of the action taken and the expected timescale for them to receive a response. During the investigation, the investigator will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Review relevant documentation, for example School records, policies, procedures and relevant statutory guidance
- Keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of their investigation, the investigator will provide a formal written response to the complainant, detailing the conclusion of the investigation, any actions the School will take to resolve the complaint and the actions the complainant may take if they wish to escalate their complaint.

This concludes stage 1 of the complaints procedure.

Mediation

At any point in stage 1, where both sides agree to do so, we will seek to address unresolved issues through mediation, in which a third party facilitates a face-to-face conversation to ensure that both sides:

- have an opportunity to hear each other's points of view
- can identify and build on areas of agreement
- have a structure within which to resolve remaining differences

If both sides emerge from the mediation satisfied, a foundation is created for a continuing positive relationship between them. Even if the complaint continues to stage 2, the issues to be considered are likely to be much clearer following the mediation.

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Escalation

If the investigation in Stage 1 was conducted internally by the School (i.e. by the Headteacher, or members of the Senior Leadership Team or Governing Body), and the complainant is dissatisfied with the outcome and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with a governors' complaints panel.

Where the investigation was conducted by an independent investigator appointed externally by the Oxford Diocesan Board of Education and/or the Local Authority, the matter cannot be escalated to Stage 2, and the procedure will be concluded at Stage 1.

Stage 2: complaints panel

A request to escalate to Stage 2 must be made to the Clerk, via the School office, within **five** School days of receipt of the Stage 1 response. The Clerk will confirm receipt of the request within **five** School days.

The complaint will be addressed by a committee consisting of at least three members of the School's Governing Body with no prior involvement or knowledge of the complaint, and with no external interest in the outcome of the proceedings. They will decide amongst themselves who will act as the Chair of the committee. If there are fewer than three governors from the School available, the Clerk will source any additional, independent governors through another local School or through the Local Authority. Alternatively, an entirely independent committee may be convened to address the complaint.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. Where a meeting is deemed necessary, the Clerk will aim to convene it within **ten** School days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a School employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives of the media are not permitted to attend.

At least **five** School days before the meeting, the Clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- Request copies of any further written material to be submitted to the committee at least **three** School days before the meeting.

Any written material will be circulated to all parties at least **three** School days before the date of the meeting. Note that:

- the committee will not accept as evidence any recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.
- the committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it, prior knowledge and consent of all parties attending must be sought beforehand, which will be recorded in any minutes taken.

The aim of the meeting is to resolve the complaint and achieve reconciliation between the School and the complainant; to this end the Chair of the Committee will ensure that the meeting is conducted in an informal manner, is not adversarial, and that everyone invited to attend feels listened to and is treated with respect and courtesy.

The committee will consider the complaint and all the evidence presented, relative to the School's stated policies and procedures, and any relevant statutory requirements. The committee can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- Decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the School's policies or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the School with a full explanation of their decision and the reason(s) for it, in writing, within **five** School days. The letter will include details of how to contact the Department for Education if the complainant is dissatisfied with the way their complaint has been handled.

Escalation beyond Stage 2

If the complainant believes the School did not handle their complaint in accordance with this procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the School. They will consider whether the School has adhered to education legislation and any statutory requirements connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: <http://www.education.gov.uk/contactus>, by telephone on 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Treatment of documentation

Any records connected with the complaint (e.g. notes from investigations, submissions, minutes from panel meetings) may be held by the School for up to three years, but will only be accessible to those who were involved in the proceedings, or have a reasonable requirement to access them. Anonymised versions of this information, where the identity of the participants cannot reasonably be deduced from the content, may be kept by the School on an ongoing basis for use by members of the Governing Body, where Governors believe that such content could be of value to inform future policy development and school improvement activities.

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Appendix 1: Exclusions from this procedure

Exceptions	Who to contact
<ul style="list-style-type: none"> - Admissions to Schools - Statutory assessments of Special Educational Needs - School re-organisation proposals 	The Local Authority (Oxfordshire County Council)
<ul style="list-style-type: none"> - Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) ⁴ who has local responsibility for safeguarding, or the Multi-Agency Safeguarding Hub (MASH) ⁵ .
Exclusion of children from School ⁶	Further information about raising concerns about exclusion can be found at www.gov.uk/School-discipline-exclusions/exclusions .
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at http://www.education.gov.uk/contactus . Volunteer staff who have concerns about our School should complain through the School's complaints procedure.
Staff grievances	Complaints from staff will be dealt with under the School's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the School's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use School premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

⁴ Contact through <http://Schools.oxfordshire.gov.uk/cms/content/contact-details-lado>

⁵ Contact through <https://www.oxfordshire.gov.uk/business/information-providers/multi-agency-safeguarding-hub>

⁶ Complaints about the application of the behaviour policy can be made through the School's complaints procedure

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Appendix 2: Serial and unreasonable concerns and complaints

St Ebbe's Primary School is committed to dealing with all concerns and 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 our 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 repetitive, abusive, offensive or threatening.

The School defines "unreasonable behaviour" as that which hinders our consideration of concerns and complaints, because of the frequency or nature of the complainant's contact with the School. The following list from the Department of Education are examples of what the School may consider to be unreasonable behaviour on the part of a complainant:

- 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 procedure, for example by refusing to accept that certain issues are not within the scope of the complaints procedure, changing the basis of the complaint as the investigation proceeds or insisting on the complaint being dealt with in a different way
- introduces trivial or irrelevant information which they expect to be taken into account, or raises a large number of detailed but unimportant questions, insisting 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 potentially seeking to have them replaced
- refuses to accept the findings of the investigation into that complaint where the School's complaint procedure has been fully and properly implemented
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- seeks an unrealistic outcome
- makes excessive demands on School time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with
- knowingly provides falsified information
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- publishes unacceptable information on social media or other public forums.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before judging that the concern is unreasonable.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the School.