



**USWORTH COLLIERY  
PRIMARY SCHOOL**

# **COMPLAINTS POLICY**

**Designated members of staff: Gary Wright**

**Chair of Governors: Alison Logan**

## **BACKGROUND**

This policy covers any **general** complaints which complainants may wish to raise. It is **not** intended to cover those aspects of school life for which there are specific statutory requirements, in particular:

- Arrangements under s409 of the Education Act 1996 for complaints about the delivery of the National Curriculum and the provision of collective worship and religious education
- Parents who are not satisfied with a local authority decision about special needs assessments
- Concerns about schools admissions and exclusions
- Allegations of child abuse, financial improprieties or other criminal activities
- Complaints about general matters of policy, such as the overall resourcing of a school
- Teacher performance

## **PURPOSE OF THE POLICY**

This policy aims to reassure complainants that any complaint raised will be dealt with in a fair, open and responsive way with the aim of achieving a speedy and satisfactory resolution. The school recognises a willingness to listen to questions and criticisms and to respond positively and in a way in which improvements can be made to school practices.

## **CONCERNS AND COMPLAINTS**

The complainant should initially raise any concern directly with the class teacher informally at a mutually agreed time.

If the complainant is not satisfied with the response from the class teacher they should:

- Raise any concerns that they have directly with the Head Teacher, preferably in writing, using the attached formal complaints form.
- The Head Teacher will investigate the complaint via discussions with the parent and those involved.
- Once all of the relevant facts have been established, the head teacher will produce a written response to the complaint and/ or may wish to speak to the parent/ carer to resolve the matter directly.
- The response will document the decision reached and the reasons for it. Where appropriate, it will also include what action the school will take/has taken to resolve the complaint.
- As far as is reasonable this will take place within 10 school days of the initial complaint being received by the head teacher.

If the complainant is not satisfied with the Head Teacher's response then they have the option to put their complaint in writing within 10 school days of the head teacher's response, addressing their correspondence to the Chair of Governors, either via the school in a sealed envelope or addressed to:

Chair of Governors,  
Usworth Colliery Primary School  
c/o Governor Support Service,  
Dryden Centre,  
Evisstones Road  
Gateshead, NE9 5UR

It is helpful at this point if the complainant can indicate in writing how they would like the matter to be resolved and what outcome they would like to see achieved.

**If the complaint relates to the Head Teacher, the complainant should write directly to the Chair of Governors with their complaint.**

### **Second Contact: Referral to the Chair of Governors**

The Chair will acknowledge the complaint in writing within five school days of receipt. The chair will provide an opportunity for parents/ carers to meet with them to discuss the complaint.

The Chair will conduct their own investigation into the complaint, examining paperwork and witness statements, if applicable. If a pupil/student needs to be interviewed as part of the investigation it shall only be done with the parent/carers consent; and an appropriate adult will be asked to be present during the interview. The Chair may request an independent officer to assist them with the investigation if they feel this is appropriate.

The Chair will decide, on the basis of the information gathered, whether the complaint is justified in whole or in part and decide on the appropriate action, if any, to take. Possible outcomes may include:

- Recommending changes to the school's systems and procedures to ensure similar issues do not reoccur in the future;
- An apology;
- An admission that the situation could have been addressed differently or better, and reassurance that similar events will not reoccur;
- An undertaking that school policies will be reviewed in light of the complaint;
- No fault found, complaint not upheld, no action taken.

All decisions will be recorded in writing within 10 school days of the Chair completing their investigation, as far as is reasonably practical, and a copy provided to the complainant. The letter to the complainant will offer the right of appeal to the Governing Body Appeals/Complaints Committee (Vice Chair of Governors to chair this committee).

**If the complaint relates to the Chair of Governors or Governing Body the complainant should write directly to the clerk to the body at the above address who will consider how to best address the complaint.**

### **Third Contact: Referral to the Complaints Committee**

If the complainant wishes to appeal they must do so in writing to the Vice Chair of governors (via the school or at the above address for Governor Support Service) within 10 school days.

The complainant will be offered the opportunity to attend a meeting where they will have the opportunity to discuss their appeal. This appeal should be based on the grounds of incorrect processes being undertaken by the Chair in their investigation and is not an opportunity to for the original complaint to be heard again. The Vice Chair will convene a complaint committee (minimum of three governors, not previously involved). The Chair will also attend this meeting.

The Complaints Committee will consider whether a robust investigation was undertaken by the chair and write to inform the complainant within 10 school days of their decision. Possible outcomes may include:

- Recommending changes to the school's systems and procedures to ensure similar issues do not reoccur in the future;
- An apology;
- An admission that the situation could have been addressed differently or better, and reassurance that similar events will not reoccur;
- An undertaking that school policies will be reviewed in light of the complaint;
- No action taken.

### **This is the last stage at which the complaint may be heard at school level.**

Should the complainant not be satisfied with the outcome then they may complain to the Local Government Ombudsman. Complaints about the maladministration of the Local Authority services (schools), including the way it operates any complaints policy may be made to the ombudsman. However, the ombudsman does not look at internal school management matters.

## **MONITORING THE POLICY**

The Governing Body will review the policy on a three year cycle (or more often if required) and monitor the number of complaints received, how these were addressed and any action taken.

## **ANONYMOUS COMPLAINTS**

The Governing Body will not consider anonymous complaints. Any anonymous complaints will be retained and the number reported to Governors to enable Governors to monitor any patterns of complaints.

## **VEXATIONS COMPLAINTS**

There may be occasions when, *despite all stages of the procedures having been followed*, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair will inform them in writing that the procedure has been exhausted and that the matter is now closed.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school site.

## **The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school’s decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:  
Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street  
Manchester M1 2WD

Written By: P Thomson (SBM)

Agreed Date: March 2016

Implementation Date: March 2019

Review Date:

Every 3 years

Signed: .....  
Head Teacher

Signed: .....  
Chair of Governors

Date: .....

Date: .....



## FORMAL COMPLAINT FORM

Name:	
Address	
Postcode:	
Pupils Name (if applicable)	
Pupils Class Teacher (if applicable)	
Telephone Number – Daytime	
Telephone Number – Evening	

**What is your complaint about?**

<b>Have you complained to the class teacher?</b>	<b>Yes</b>	<b>No</b>
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<b>When did you do this?</b>	<b>Date:</b>
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**What happened when you complained to the class teacher? If you did not complain to the class teacher, why not?**

**What would you like us to do to put things right?**

<b>Name: (please print)</b>	
<b>Signed:</b>	
<b>Date:</b>	

**Please return this form to the Head Teacher or Chair of Governors if the complaint is about the Head Teacher**