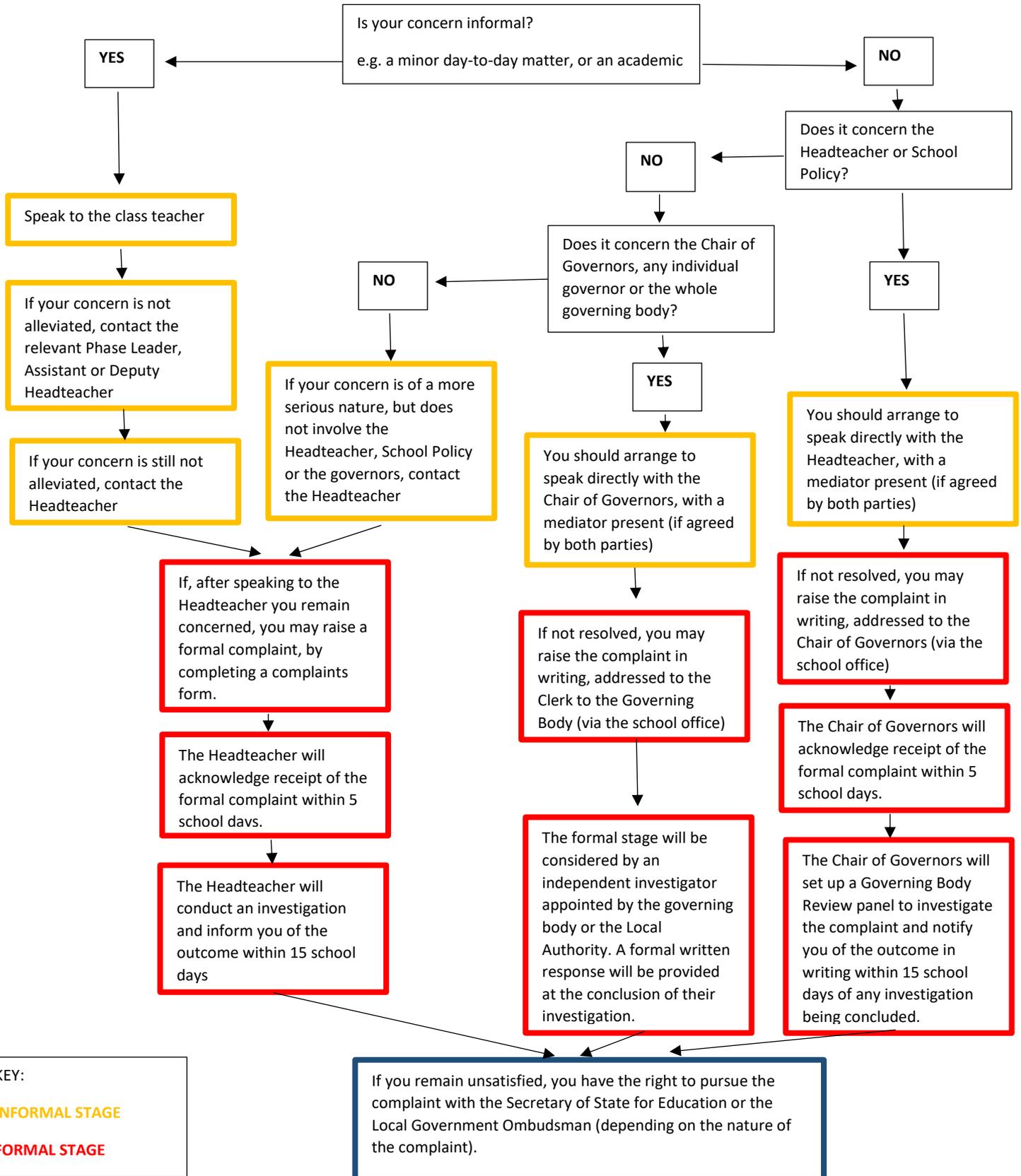




Concerns and Complaints Process – summary overview. Refer to the policy for full details.





## Concerns and Complaints Procedure

### Introduction

The Vineyard Primary School is committed to providing a high quality service to all its pupils and parents/carers. When things go wrong, the School should be informed promptly, as everyone should be treated fairly. Any complaint by a pupil, parent or carer is a serious matter and will be dealt with promptly. The School will fully investigate the circumstances of the complaint and any issues that are raised by it. The School will use the results of the investigation to help prevent any further similar complaints and to put in place any systems and procedures which will ensure improvements.

- 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.
- We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- If a complainant commences legal action against The Vineyard in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to The Vineyard about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### *Differences between a concern and a complaint*

A **concern** may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A **complaint** may be generally defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

It is in everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, our formal procedure will be invoked through the stages outlined within this policy.



### **Who should you contact with a concern?**

This depends on the nature and seriousness of the concern, but the following is a guide for informal concerns:

1. For a minor day to day matter or an academic concern, the person to contact is the Class teacher.
2. If the concern is not alleviated, the appropriate person to contact next, will be the relevant Phase Leader, Assistant Headteacher or Deputy Headteacher.
3. If the concern is still not alleviated, or is of a more serious nature, the appropriate person to contact will be the Headteacher.

If after speaking with the Headteacher, you still remain concerned, you have the right to raise a formal complaint by completing a complaints form. Please see appendix 3 for complaints not in scope of the procedure.

Complainants should not approach members of the Parent Teacher Association (PTA) or Class liaison Representatives to raise concerns or complaints as this is not the function of the PTA.

Complainants should also not approach individual members of the Governing Body 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 the governor review stage of the procedure.

### **Our Complaints Procedure**

The Vineyard Primary School has a procedure for dealing with complaints, which is set out below. Any formal complaints made about either a member of staff or the Headteacher will be investigated thoroughly. These complaints are recorded in a central register.

#### **a) Complaints about the actions of a member of staff other than the Headteacher**

**Informal Stage** – you may communicate directly with the member of staff concerned.

**Formal Stage** – if the complaint is not resolved at the informal stage, you may put the complaint in writing, to the headteacher via the school office. Please mark as Private and Confidential. The Headteacher will be responsible for its investigation. You should include details, which might assist the investigation, such as names, dates and times of events, and copies of relevant documents. The Headteacher will acknowledge receipt of the complaint by letter within 5 school days. Thereafter, the Headteacher will conduct the investigation and inform you of the outcome within 15 school days, which may be one of the following:

- **There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;**
- **The complaint is not substantiated by the evidence;**
- **The complaint was substantiated in part or in full (some details may then be given of the action the school may be taking to review procedures, but details of any disciplinary procedures will not be released)**

- **The complaint has been fully investigated and appropriate procedures, which are strictly confidential, are being followed (e.g., where staff disciplinary procedures are being followed).**

**In addition, we may offer one or more of the following:**

- **an explanation**
- **an admission that the situation could have been handled differently or better**
- **an assurance that we will try to ensure the event complained of will not recur**
- **an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made**
- **an undertaking to review school policies in light of the complaint**
- **an apology.**

Where a substantive response cannot be provided within the prescribed period (for instance, where a significant amount of investigation is required), the Headteacher will advise of this, and, if possible, provide a time by which a substantive response will be provided.

**If you are not satisfied with the outcome, you will have the right to follow the procedure outlined in 'b' below.**

**b) Complaints about the actions of the Headteacher or School Policy**

**Informal Stage** – you should arrange to speak directly to the Headteacher. If the matter is not resolved, and both parties agree, then a third party (e.g., the Deputy Headteacher) may be invited to act as mediator at a further meeting.

**Formal Stage** – if not resolved at the informal stage, the complaint may be put in writing, if possible, and passed to the Chair of Governors, who will set up a Governing Body Review panel to investigate the complaint. These should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

**c) Complaints about the Chair of Governors, any individual governor or the whole governing body**

**Informal Stage** – you should arrange to speak directly to the Chair of Governors. If the matter is not resolved, and both parties agree, then a third party may be invited to act as mediator at a further meeting.

**Formal Stage** – if not resolved at the informal stage, the complaint may be put in writing and should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

The Formal stage will be considered by an independent investigator appointed by the governing body or Local Authority. At the conclusion of their investigation, the independent investigator will provide a formal written response.



### **Governing Body Review**

The review should be conducted by a panel of up to three members of the Governing Body, who will not have had any previous involvement in consideration of the complaint. The panel will first receive written (and oral, if being considered) evidence from the complainant. You should include all relevant details to assist the investigation. You may be invited to meet the Governing Body Review panel to discuss or clarify the complaint in person or by telephone. The Governing Body Review panel may interview witnesses and collect any further information. The Headteacher should be provided with a copy of the complaint and any additional evidence provided. Once s/he has received this information, s/he will be invited to discuss the complaint with the Governing Body Review panel. The panel may invite the Headteacher to respond in writing to the evidence. The panel may also access the records related to the entire complaint. All parties will be notified in writing of the outcome, within 15 school days of any investigation being concluded.

This may be to the effect that:

- **There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;**
- **The complaint is not substantiated by the evidence;**
- **The complaint was substantiated in part or in full, but the procedural failure did not affect the outcome significantly, so the matter is now closed;**
- **The complaint was substantiated in part or in full, and the Governing Body will take steps to prevent a recurrence and/or to rectify the situation (some details may then be given of action the School may be taking to review procedures, but details of any disciplinary procedures will not be released).**
- **Where a substantive response cannot be provided within the prescribed period (for instance, where a significant amount of investigation is required), the panel will advise of this, and, if possible, provide a time by which a substantive response will be provided.**

**Reviewed by: The D and P Committee**

**Approved by: The Governing Body**

**Date: 28 February 2019**

## **Appendices**

### **1) Further action**

If you remain unsatisfied, you have the right to pursue the complaint with the Secretary of State for Education Website: [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints) (using their online school complaints form). Making a complaint to the Department should only happen once the School's complaints procedure set out above has been followed.

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

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](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.

The Local Government Ombudsman (LGO) and local authority will continue to accept complaints directly from young people and their parents or carers about:

- school transport services
- special educational needs
- school admissions
- permanent exclusions from a school
- children who are out of school

In such cases you may contact the local authority at [socialservices.complaints@richmond.gov.uk](mailto:socialservices.complaints@richmond.gov.uk). As well as inspecting schools and monitoring how they perform, Ofsted also considers complaints if they affect the school as a whole.

You can contact Ofsted by calling its helpdesk from 8am to 8pm Monday to Friday on 0300 1234 234 or by email at [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). Staff on its helpdesk will discuss your concerns with you and advise you whether or not to put your complaint in writing. For more information, visit <http://www.ofsted.gov.uk/schools/for-parents-and-carers/how-complain>.



From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman (LGO) or the local authority should be addressed to the Secretary of State.

## **2) Managing serial and unreasonable complaints**

The Vineyard 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 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 abusive, offensive or threatening.

There are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school.

In these exceptional circumstances 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 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 Vineyard School.

If a governing body review panel has judged that the complainant's behaviour is 'unreasonable' they will inform the complainant in writing that:

- **his/her behaviour is now considered by the school to be unreasonable/unacceptable; the school will formally refuse to respond to the issues in the complaint;**
- **no further complaints from the complainant will be considered and that if this behaviour is not modified the school may take professional advice on further actions, having regard to the nature of the complainant's behaviour and the effect of this on the school community.**

A complainant may pursue their complaint with a relevant authority listed in appendix 1. For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable.

Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitive;
- b) refusal to articulate the complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- c) refusal to co-operate with the complaints investigation process
- d) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- e) use of Freedom of Information requests excessively and unreasonably
- f) refusal to accept that certain issues are not within the scope of the complaints procedure
- g) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- h) an insistence on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- i) an insistence upon pursuing complaints in an unreasonable manner
- j) introduces trivial or irrelevant information which they expect to be taken into account and commented on
- k) raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- l) an insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters
- m) makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- n) changes the basis of the complaint as the investigation proceeds
- o) repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- p) 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
- q) seeks an unrealistic outcome
- r) makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- s) uses threats to intimidate
- t) uses abusive, offensive or discriminatory language or violence
- u) knowingly provides falsified information
- v) Publishes unacceptable information on social media or other public forums.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (v) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of school staff and/or
- b) cause ongoing distress to individual member(s) of school staff and/or
- c) have a significant adverse effect on the whole/parts of the school community and/or
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.



### **3) Complaints not in scope of the procedure**

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or Richmond Single Point of Access (SPA) Call 020 8547 5008 from 8am to 6pm, Monday to Friday, or 020 8770 5000 out of hours.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:  <a href="https://www.gov.uk/school-discipline-exclusions/challenging-exclusion">https://www.gov.uk/school-discipline-exclusions/challenging-exclusion</a></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store</p>

	Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

**Model Forms**

**The Vineyard School: Meeting Request Form**

I wish to meet *[name of teacher]* to discuss the following matter:

Brief details of topic to be discussed:
---

Dates/times when it would be most convenient for a meeting:
---

Your name:

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone numbers

Daytime:

Evening:

e-mail address:

**Signed** .....

**Date** .....



[Please complete this form and return it to the school office]

**School use:**

Date Form received:  
Received by:

Date response sent:  
Response sent by:

### The Vineyard School Formal Complaint Form

Please complete this form and return it to the school office or to the Head Teacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):

Pupil's name (if relevant to your complaint):

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**School use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			



### The Vineyard School Complaint Review Request Form

Please complete this form and return it to Head Teacher (or Clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Name,

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on ..... .  
I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

**School use**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			