

**Whittington CE Primary School**

# School Complaints Policy

**Approved by the Governing Body: 15<sup>th</sup> November 2018**

Review due: Summer Term 2020

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## **The Complaints Procedure**

### **Stages of Complaints**

The stages of the complaints procedures are summarised in the flow chart in Annex B.

There are four school-based stages as follows:

- Stage one (informal): complaint heard by staff member,
- Stage two (formal): complaint heard by head teacher;
- Stage three (formal): complaint heard by Chair of Governors;
- Stage four (formal): complaint heard by GB's complaints appeal panel.

Complaints should be made in writing using the Complaints Form in Annex C, or by way of letter including the information detailed in Annex C. A complaint will usually be considered as 'out-of-time' if it is raised more than 3 months after the matter in question is known to the complainant however exceptions will be considered.

An unsatisfied complainant can take a complaint to the next stage. Any unresolved complaint can be referred the Secretary of State for Education by writing to The School Complaints Unit (SCU), Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD.

The complaints procedure is detailed in Annex A.

### **Resolving Complaints**

At each stage in the procedure, school will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to discuss any outstanding issues.

Only written records may be made of meetings held as part of the complaints process, with no audio or video recordings permissible and these meetings need not be held on a face to face basis.

### **Vexatious Complaints**

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when:

- Despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed.
- Complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with Appendix D of this policy.

### **Publicising the Procedure**

The complaints policy is included on the school website and a hard copy is available upon request from the school office.

## **Annex A - Complaints Procedure**

### **Stage One (Informal): Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage.

School will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the head teacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **Stage Two (Formal): Complaint Heard by Head Teacher**

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one 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.

### **Stage Three (Formal): Complaint Heard by Chair of Governors**

If the complainant is not satisfied with the response of the Head Teacher or the complaint is about the Head Teacher, the complainant should write to the Chair of Governors to request that their complaint is considered further. The Chair will then decide whether it is appropriate to discuss the complaint directly with the complainant or to convene a Governing Body Complaints Panel meeting. Any discussions between the Chair and the complainant are not required to be undertaken face to face and may take another form e.g. telephone conference call, if this is deemed appropriate or necessary by the Chair. Another member of the Governing Body or the Clerk to the Governing Body will be present during discussions.

### **Stage Four (Formal): Complaint Heard by Governing Body Complaints Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body complaints panel which will hear the complaint within a panel hearing setting, or within separate meetings with the complainant and members of staff directly involved in the complaint, if this approach is considered more appropriate in the circumstances. These meetings are not required to be undertaken face to face and may take another form e.g. telephone conference call, if this is deemed appropriate or necessary, by the complaints panel.

## **The Remit of The Complaints Appeal Panel**

The panel can:

- 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.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing/meeting(s) are independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing/meeting(s), which need to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the panel does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The Complaints Panel will be clerked by the Clerk to the Governing Body. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue/nature of the hearing/meeting(s), ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing/meeting(s);
- meet and welcome the parties as they arrive at the hearing/ meeting(s) (not applicable in the case of a telephone conference call situation)
- minute the proceedings;
- notify all parties of the panel's decision.

## **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing/meeting(s) are appropriate, notify the clerk to arrange the panel.

## **The Role of the Chair of the Complaints Panel**

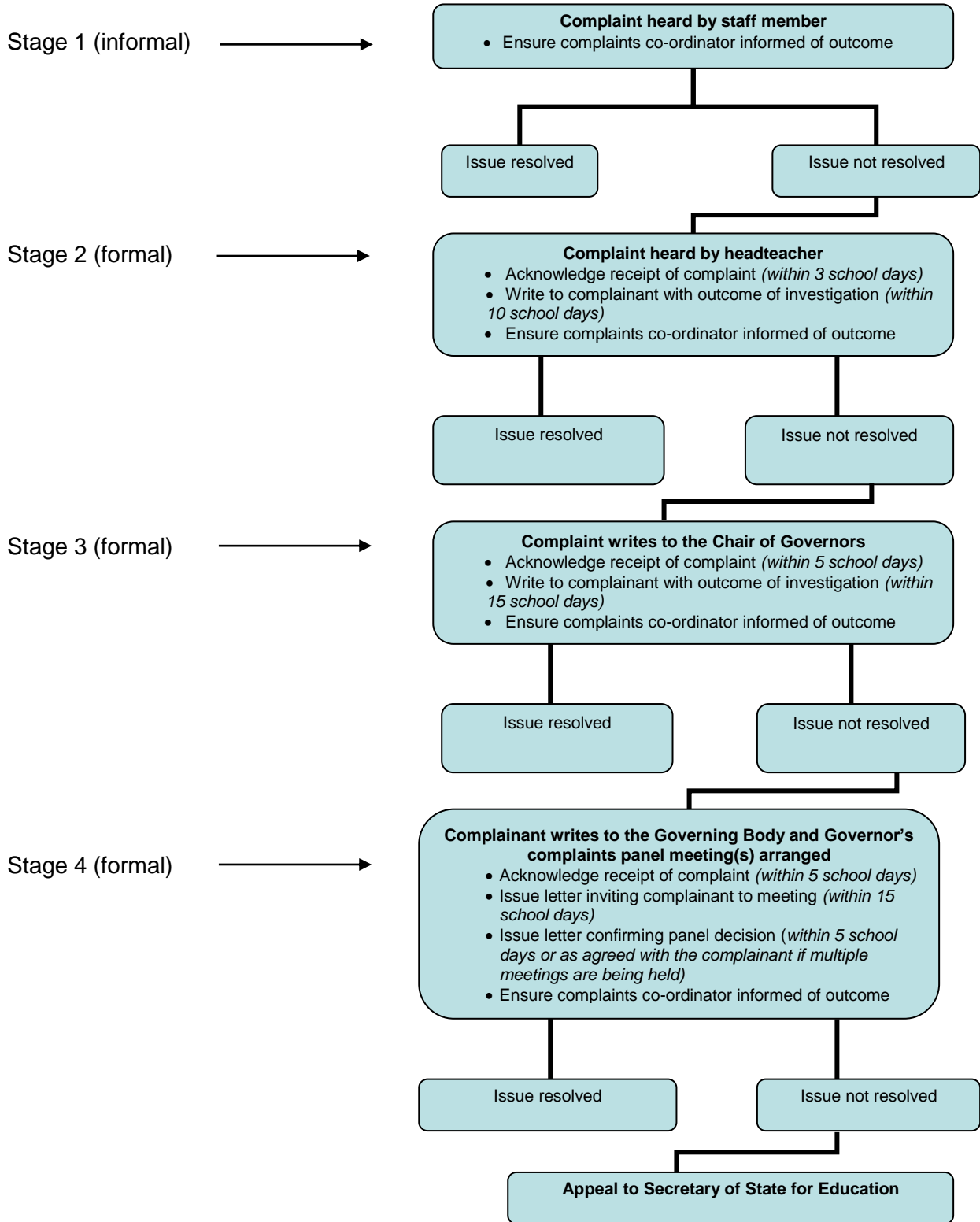
The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing/meeting(s) are put at ease;
- the hearing/meetings(s) are conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions.

## **Notification of the Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this within the timescale shown in annex B. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## Annex B – Summary Flowchart of Dealing with Complaints





## **Annex C - Complaint form**

**Please complete and return to the Head Teacher 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:**

## **Annex D**

### **POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN SCHOOLS**

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

#### **1. AIMS OF POLICY**

The aims of this policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint
- Support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents
- Deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

#### **2. HUMAN RIGHTS**

2.1 In implementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

#### **3. PARENTS' EXPECTATIONS OF THE SCHOOL**

3.1 Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to:

- a) Regularly communicate to parents/carers in writing:
  - (i) how and when problems can be raised with the School,
  - (ii) the existence of the School's complaints procedure, and
  - (iii) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- b) Respond within a reasonable time
- c) Be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint
- d) Respond with courtesy and respect
- e) Attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority
- f) Keep complainants informed of progress towards a resolution of the issues raised

#### 4. THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

4.1 The School can expect parents/carers/members of the public who wish to raise problems with the School to:

- a) Treat all school staff with courtesy and respect
- b) Respect the needs and well-being of pupils and staff in the School
- c) Avoid any use, or threatened use, of violence to people or property
- d) Avoid any aggression or verbal abuse
- e) Recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond
- f) Recognise that resolving a specific problem can sometimes take some time
- g) (In the case of a complaint) follow the School's Complaints Procedure

#### 5. WHO IS A PERSISTENT COMPLAINANT?

5.1 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, repetitious
- b) Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d) An insistence upon pursuing complaints in an unreasonable manner
- e) An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

5.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) 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.

#### 6. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

6.1 In the first instance the School will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

6.2 This will be confirmed in writing (Model Letter 1).

6.3 If the behaviour is not modified the School will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- a) Inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2)
- b) Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see Model Letter 2)
- c) Inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only (see Model Letter 2)
- d) (In the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban. (Advice is available from the Area Education Manager)
- e) Consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation

6.4 Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances advice may be sought from the Local Authority.

6.5 If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the School may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the Local Authority.

## 7. REVIEW

7.1 The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

**MODEL LETTER 1: INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD**

RECORDED DELIVERY

Dear

This letter is to inform you that the School considers your actions in [describe actions, dates, behaviour] on..... when you ..... to be unreasonable/unacceptable [delete as appropriate].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers [delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure. At the moment we are dealing with these issues by [describe actions being taken to resolve concern].

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the School's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the School
- considering a ban from the School premises
- considering legal action

I would ask that you allow the School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

Yours sincerely

Headteacher

**MODEL LETTER 2: INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT**

RECORDED DELIVERY

Dear

You will recall that I wrote to you on [insert date] telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour] it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the school:

[\*Delete as applicable]

\*For the foreseeable future, should you wish to meet with a member of staff, I would ask you to note:

- (a) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the school will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

\* For the foreseeable future, all routine communication with the School should be by letter only.

Please address letters to ..... at the School. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of student] – in which case you should contact the school in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the school present.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the school by [state ten working days from the date of the letter]. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher