



Abberley Parochial V.C. Primary School

Inspiring Hearts & Minds

Abberley Parochial V.C. Primary School

Complaints Procedure Policy

January 2018

Approval Responsibility Full Governing Body
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Policy Statement

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

Policy Aims

To provide a procedural clarity which will allow for the prompt resolution of concerns raised with minimum disruption, and to effect reconciliation if there has been friction.

General Principles

Procedure and timescale

This procedure contains advice for resolving complaints.

Every reasonable attempt will be made to adhere to the procedures and time limits specified, but these may in exceptional circumstances be exceeded. In such cases the school governors will advise the reasons and set a new time-scale.

A complaint will usually be considered as 'out-of-time' if it is raised more than three months after the matter is known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues.

Possible resolutions

Many concerns may be resolved by explanations, others by a simple apology. Other complaints may result from a school procedure which could have been handled differently. Such an acknowledgement would be an appropriate resolution, as would assurances that events complained about (if justified) will not recur. Others may be resolved by an undertaking to review school policies in the light of a complaint.

Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the head teacher, and later still, by a governors complaints panel.

Unresolved Complaints

Occasionally, the person raising the complaint may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the chair of the governing body will inform the

person raising the complaint that the procedures have been exhausted and that the matter is closed.

Spurious, Vexatious or Abusive Complaints

There are occasions where people raising complaints do so in ways that are unacceptable. Examples may be: where the person raising the complaint does so in an unreasonably persistent manner; where the nature of the complaint is considered to be spurious or vexatious; or where the person raising the complaint does so in an abusive or harassing manner.

Whilst the school recognises that complaints may relate to serious and distressing incidents, the school will not accept threatening or harassing behaviour towards any member of the school community.

Similarly, the school will always seek to respond proportionately to the nature of the complaint raised, such that where a matter is adjudged to be spurious, or to have been brought in an unreasonably persistent or vexatious manner, or where the conduct of the person raising the complaint is found to have been threatening or harassing, the school reserves the right to dismiss the complaint on these grounds.

Complaints Procedure Detail

Abberley Parochial V.C. Primary School will monitor and record compliments, concerns and complaints which come to its attention.

Where concerns are brought, they are usually initially raised with one of the more senior members of staff, e.g. head teacher or a member of the Senior Leadership Team. Stage 1 (below) of the procedure could therefore be managed by one of a number of possible people.

Stage 1 (Informal). Clarification or provision of information

Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be resolved at this informal stage.

Where any member of staff becomes aware of a concern raised, they should deal with it themselves if this is appropriate and they are confident in doing so. Where the member of staff feels uncomfortable with dealing with the matter, they should involve a member of the Senior Leadership Team.

If any member of staff considers the matter to be a serious concern, it should be referred immediately to the head teacher.

Where the complaint is specifically about the head teacher, the person raising the complaint should be guided towards discussing it with him/her in the first instance.

It is not appropriate for a complaint to be directed through a school governor. It is not part of the school governor role to receive complaints in the first instance. Any school governor receiving a complaint will refer the person raising the complaint to the appropriate person.

The concern raised will be noted (including the outcome, where this has been settled) and copied to the head teacher. Where the subject of the complaint is the head teacher, he/she will copy the record to the chair of the governing body.

Where informal attempts by the school have failed to bring about a satisfactory resolution, the person raising the complaint is entitled to request that it be treated more formally. Unless the complaint directly concerns the head teacher, it will be the head teacher who deals with this next stage (Stage 2).

If the complaint is specifically about the head teacher, and he/she has had the opportunity in Stage 1 to discuss the matter, the person raising the complaint can then directly contact the chair

of the governing body about Stage 2.

Stage 2 (Formal). Head teacher

In the event that the complaint directly concerns the head teacher, the chair of the governing body is responsible for managing the steps in Stage 2. Where the complaint does not directly concern the head teacher, it is the head teacher who manages the steps in Stage 2.

Stage 2 may be initiated where a person raising a complaint notifies the school of their dissatisfaction with the outcome of the Stage 1 procedure applied.

On receipt of this notification, a copy of this policy document should be sent to the person raising the complaint. This would normally occur within three school days. This document includes Annex A: Complaint Form.

The complaint form is aimed at achieving a common understanding of the nature of the complaint. As the main purpose of the process is to achieve a positive outcome, the person raising the complaint is asked what actions might resolve the matter in their view.

After the complaint form is returned, it should be acknowledged within three school days and the investigation will commence.

This is the first step of the formal complaints process. This requires that all communications between parties will be recorded.

Before proceeding with a *formal* investigation, the head teacher may wish to meet with the person raising the complaint to discuss the concern. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the head teacher will decide whether the complaint will be dealt with under the procedure set out in this policy, or under another statutory procedure.

In the latter case, the head teacher will advise the person raising the complaint on what will need to be done.

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

The investigation should involve the review of any relevant documentation and information. If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

The outcome of the investigation should be communicated to the person raising the complaint, either at a meeting (followed up in writing) or as a written response. This response should explain the outcome and should be supported by reasons for reaching this decision. It should set out what management action, if any, will be taken. [If management action is subsequently required against an employee of the school, the person raising the complaint will not have access to this information.]

The expected timescale that applies to this procedure requires that the response should be provided within ten school days of acknowledging the complaint.

If the person raising the complaint is still dissatisfied with the response given and wishes to take the complaint further, they must communicate this in writing to the head teacher.

On receipt of this communication, the head teacher will send on the Complaint Form and all associated information to the chair of the governing body. [In the case of the head teacher being the subject of the complaint, the chair of the governing body would need to be advised by the person raising the complaint and Stage 3 initiated.]

Stage 3 (Formal). Governors' complaints panel

On receipt of the information from the head teacher, the chair of the governing body will verify that the person raising the complaint has properly exhausted Stage 2 of this procedure. If it is found that Stage 2 has not been fully utilised, the chair will refer the matter back to the head teacher. If Stage 2 has been exhausted, the chair will instruct the clerk to the governors to make preparatory arrangements for the governors' complaints panel to be convened.

The chair of the governing body will identify three governors chosen from an agreed pool of governors to form the complaints panel. The panel will then appoint its own chair.

[In this process, the 'clerk' may be the clerk to the governing body, or, in exceptional circumstances, another governor acting as clerk. Where there is a governor acting as clerk, that person may not be one of the governors selected to sit on the governors' complaints panel.]

The chair of the governing body or the clerk will acknowledge receipt of the information from the head teacher. This should be by letter to the person raising the complaint, and should be carried out within five school days of receipt of the information from the head teacher.

This letter will inform the person raising the complaint that the complaint will be heard by the governors' complaints panel within 15 school days. The person raising the complaint will be notified where, in exceptional circumstances, this time period will need to be extended and be given the reasons for this.

The clerk will convene a meeting of the complaints panel. All relevant documentation from the head teacher and the person raising the complaint will be distributed to all parties in advance of the meeting.

The panel has discretion as to how it will carry out its duties. These are found in Annex B: Model Procedure for a Governors' Complaints Panel Hearing. As part of this, the person raising the complaint will be asked to attend a meeting of the panel. That person may be accompanied at this meeting by a relative or friend if they wish.

The chair of the panel needs to ensure that the person raising the complaint is notified of the panel's decision in writing within five school days of the meeting concluding. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again.

If the person raising the complaint is dissatisfied with the response they have been given, and seeks to take the complaint further, they should be referred to Stage 4 of this procedure.

Equally, if the head teacher considers that due process has not been followed, he/she may wish to refer the matter to Stage 4 of this procedure for adjudication.

Stage 4 (Formal). Worcestershire Children's Services.

The remit of Worcestershire Children's Services is only to review due process.

The person raising the complaint is entitled to escalate the matter to Worcestershire Children's Services if they believe that their complaint was not handled fairly and in accordance with the school's complaints procedure. This escalation must be submitted in writing.

Involvement of Worcestershire Children's Services will only arise where the person raising the complaint has exhausted all of the school-based stages set out above.

The written escalation submitted by the person raising the complaint must include the following

information.

- Details of the original complaint.
- The decision, recommendations and actions of the governors' complaints panel.
- The reason for believing the original complaint was not dealt with fairly and in accordance with the school's complaints procedure.
- The desired outcome.

Any recommendations made by Worcestershire Children's Services as a result of its review can only be advisory, and as such, would not be binding on any of the parties.

It is however anticipated that the governing body would consider any such recommendations as a genuine means of securing fair and reasonable practice in the best interest of the school.

Stage 5 (Formal). Secretary of State for Education.

The final stage of the procedure provides for an appeal to the Secretary of State for Education.

The person raising the complaint should be advised to write to:

The School Complaints Unit (SCU)
Department for Education - 2nd Floor
Piccadilly Gate
Manchester
M1 2WD

If a complaint has exhausted the local procedures, the SCU will examine whether the complaints policy and any other relevant policies were duly followed. The SCU may also examine policies to determine if they adhere to education legislation. The SCU will not re-investigate the substance of the complaint. If legislative or policy breaches are found, the SCU will report them to the school and to the person raising the complaint, requiring, where necessary, that remedial action be taken. Failure to carry out remedial actions could ultimately result in a formal directive being issued by the Secretary of State.

Spurious, Vexatious or Abusive Complaints

If, at any of the stages set out above, the complaint is reasonably adjudged to be spurious or vexatious, or the conduct of the person raising the complaint is reasonably adjudged to be of a threatening, harassing or unreasonably persistent manner, the complaint may be dismissed on those grounds.

Annex C: Spurious, Vexatious or Abusive Complaints contains the content of a leaflet that may be provided to any person raising a complaint to advise them of the school's expectation of reasonable conduct throughout the procedure.

Annex A

COMPLAINT FORM

Please complete and return to the head teacher who will acknowledge receipt.

The procedure, at Stage 2, explains what action will be taken after receipt.

Your Name.

Pupil's Name.

Your relationship to the pupil.

Your contact details.

Address.

Phone.

Email address.

Details of your complaint.

To allow the matter to be effectively investigated, these details should include dates, times, names of people involved, names of witnesses etc and other information which will would allow for a full understanding of the matter to be reached.

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

What action, if any, have you already taken to try to resolve your complaint? If you have previously attempted to resolve this matter, to whom have you already spoken? When did this take place? What was the outcome?

In your opinion, what actions might resolve this problem at this stage?

Signature:

Date:

School Use Only

Date form received:

Form received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date referred:

ANNEX B

MODEL PROCEDURE FOR A GOVERNORS' COMPLAINTS PANEL HEARING

It is important that the members of the governors' complaints panel ('the panel') are impartial and independent, and are seen to be so. The panel members should have no prior involvement with the case, and be sensitive to the constitution of the panel with regard to issues of equality.

It may be the case that person raising the complaint feels anxious that they will not be provided with opportunities to be heard or that the procedure is not seen to be fair (i.e. parents may perceive the governors' views to be weighted in favour of the school). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

The Hearing

Reports and statements submitted to the panel should be made available to all parties in advance of the hearing.

The panel chair must determine in advance the most appropriate method of conducting the hearing into the complaint so that the panel may achieve 'best evidence'. The decision will be influenced by the contents of the complaints form and other information to hand. Four options on how the panel may proceed are listed below, but they are not exhaustive.

Option One

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance. This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

Option Two

To interview separately the person raising the complaint and the school representative, along with other parties deemed relevant by the panel chair, in order to hear statements and collect additional directly related evidence.

Option Three

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the panel through the panel chair. Such a meeting should be non-adversarial.

Option Four

With the agreement of all parties, to hold a meeting with both sides present, to follow an agenda on the lines set out below. Witnesses would only be required to attend for the part of the hearing in which they give their evidence.

- Model Agenda
- 1) The complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) The head teacher and Panel members may ask questions.
- 3) The head teacher is invited to explain the school's actions and call witnesses if desired.
- 4) The complainant and panel members may ask questions.
- 5) The complainant is invited to sum up the complaint.
- 6) The head teacher is invited to sum up the school's actions and response to the complaint.
- 7) The parties leave together. The panel remains to consider its decision.

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of the complaint and does not constitute a hearing connected with any disciplinary process.

The person raising the complaint may be accompanied by a relative or friend if desired, and witnesses if appropriate.

The school representative will be the person who dealt with Stage Two. This is the head teacher usually, but the chair of the governing body if the complaint relates to the head teacher. The school representative may be accompanied if desired.

If other members of staff or other witnesses are required to attend, they too may be accompanied by a friend.

The clerk to the governors' complaints panel will be responsible for inviting participants into the room at the relevant times and to make introductions as necessary.

The clerk to the governors' complaints panel will keep an accurate record of the discussion at the meeting. The panel may need to refer to this record in their consideration of the case. The person raising the complaint will have access to this record.

The detail of any disciplinary action arising from the complaint hearing will be kept confidential and specifically will not be shared with the person raising the complaint. Any documents made available subsequently to the person raising the complaint will have any references to possible disciplinary outcomes removed.

The panel chair should explain the panel's remit, specifically that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the person raising the complaint and the school. The panel chair should advise that the outcome may go no further than establishing the facts of the matter and recommending future actions.

The panel chair should reassure all parties that they will have every opportunity to state their case.

The panel chair should explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

The panel may arrive at any of the following outcomes.

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

The panel should consider the following elements in reaching its conclusion.

- The evidence from the school representatives and the person raising the complaint.
- The relevant school policies and procedures, and the extent to which the school has acted in accordance with the policy/procedure.
- The response of the panel to the complaint, having considered the information made available to them, providing reasons for their decision.
 - Areas of agreement identified between the parties.
 - Misunderstandings identified, which can be remedied.

The panel's decision, with reasons, should be confirmed in writing to the person raising the complaint, the head teacher and chair of the governing body within five school days.

Annex C

SPURIOUS, VEXATIOUS OR ABUSIVE COMPLAINTS

The head teacher and governing body Abberley Parochial V.C. Primary School are fully committed to the improvement of our school. We welcome feedback from parents/carers and others. We will always try to resolve any concerns as quickly as possible. There is a procedure for parents/carers to use if they wish to make a formal complaint.

Sometimes, however, parents/carers pursuing complaints or other issues treat staff and others in ways that are 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 leaflet 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, and/or
 - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language, and/or
 - making complaints in public or via a social networking site such as Facebook, and/or
 - failing to attend appointments to discuss the complaint.

What is 'harassment'?

Abberley Parochial V.C. Primary School 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 any of the following conditions are met.

- 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; and
- follow the school's complaints procedure.

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how the school 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.

- 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 into the category of an unreasonably persistent complaint or harassing conduct.
- 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 take any of r all of the following steps.

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

Legitimate new complaints from persons otherwise infringing the unreasonable persistency or harassing elements of this policy will always be considered. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.