

# All Saints' Church of England Primary School



**'Believe to Achieve'**

## **COMPLAINTS POLICY**

This school is committed to working in close partnership with all members of the school community. We place great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage positive relationships. If at any time a member of the school community has a concern about an aspect of life at the school, the concern will be dealt with by the school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at the initial stage. However, if there is a continuing concern, this can be directed through the formal stages as outlined in the school's complaints procedure below.

### **School Complaints Procedure**

It is in everyone's interest that complaints are resolved at the earliest possible stage. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Complainants will be treated respectfully during and after the course of any complaints investigation. Written complaints will always receive a full written response to their complaint, unless they fall into the category of Persistent and/or Vexatious Complaints dealt with below. If it is not possible to address the complaint appropriately within a few days, then a letter of acknowledgement will be sent to the complainant with a proposed timescale for a response. Each individual stage of the complaints process will take no longer than 20 school days to complete, and if this is exceeded for any reason then an explanation will be provided to the complainant.

All members of staff are aware of the complaints procedure and understand:

- The importance of attempting to resolve problems before they become formal complaints
- The importance of treating complaints respectfully

### **Expressing Concerns (Stage 1)**

In the first instance it is hoped that the complainant will be able to discuss the issue with the member of staff concerned. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Headteacher, who will refer it to another member of staff.

Similarly, if the member of staff directly involved, feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Headteacher. The member of staff will consider the complaint objectively and impartially. Any member of staff involved at this informal stage will keep a record to show any agreed actions to resolve the issue. A colleague may be on hand to take notes.

## Formal Complaints

Some concerns brought to the attention of the school via their complaints procedure, or merely through parents raising concerns, may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. The complainant will be advised if this is the case and informed of the procedures that are to be followed. The complainant will be advised that they will not necessarily be provided with details of the outcome of those procedures, depending on the circumstances.

### Formal Procedures and the School Complaints Policy

Formal procedures will need to be invoked when initial attempts to resolve an issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. In such cases the school will seek to:

- encourage resolution of problems by **informal** means wherever possible;
- make the process for complaining easily **accessible, simple to use** and **publicised** (through the school website);
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

Details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution.

### Investigating a Formal Complaint

The appropriate person investigating the complaint will:

- establish **what** has happened so far, and **who** has been involved;
- 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;
- speak with those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the above point with an open mind and be prepared to be persistent in asking relevant questions; and
- keep notes of what is said by all.

### Role of the Head Teacher or the Chair of the Governing Body (Stage 2)

If the complaint is not about the head teacher then the first of the formal stages is for the head to investigate the concern in line with the procedure. This will, in most cases, resolve the matter to the satisfaction of all concerned without recourse to Stage 3. If the complaint is about the head teacher,

the complainant should be advised to refer the matter to the chair of governors, giving details of the complaint which should be accepted either in writing or verbally. In either case, where a complaint is accepted verbally, the details should be reported back to the complainant to ensure that they have been recorded accurately.

In most cases the head teacher (or chair of governors) will seek to resolve the matter through discussion with the parties. The head teacher (or chair of governors) may also wish to meet with the complainant in person. If this does not resolve the issue, then the matter should be referred to the governing body's complaints committee (stage 3), with this being confirmed in writing to the complainant.

Complaints will be acknowledged in writing and the complainant will be given a copy of the school's Complaints Policy along with clear timescales about when they can expect to receive a response.

### **The Role of the Chair of Governors (Stage 3)**

If the complaint has not been resolved at Stage 2 and the complainant has informed the school that they are still unhappy and wish to take the matter further, then it should be referred to the Chair of Governors in the first instance as a Stage 3 complaint. The Chairs' role will be to appoint a Complaints Committee in accordance with the School's Complaints Policy to review the complaint. If the Chair undertook the Stage 2 investigation then this role should be taken by the Vice Chair.

Membership of the Complaints committee should consist of three or five governors. This should include a cross section of the different categories of governor and must be independent and impartial (as well being seen to be so). The headteacher and chair of governors should **not** be members of this committee.

### **Role of the Governing Body's Complaints Committee (Stage 3)**

The complainant **must** be given the opportunity to make representations in person and has the right to bring a friend/family member or other supporter. The committee should therefore meet at a time and a venue convenient to all parties. If the complainant decides not to attend the review hearing it may be held in their absence.

The procedure adopted by the complaints committee for reviewing the complaint should be set out in the school's formal complaints procedure. When considering a complaint the chair of the complaints committee may wish to seek advice from the school's County Improvement Manager on procedural matters. Advice on the law and the content of any letters may also be obtained from the Authority's Legal Services Unit.

### **Governing Body Complaints Committee - Procedure**

#### **The Clerk:**

The clerk's role is to:

- set the date, time and venue;
- collate any written material and send to all parties in advance;
- record the proceedings; and
- ensure that all parties are notified of the decision.

The clerk may be a member of school staff or independent of the school. It is recommended that the clerk should not be a member of the governing body, and should not take part in the decision-making

process. Essentially the role of the Clerk is no more than to assist the committee by providing the services referred to above.

### **Investigating the Complaint:**

Be sure that the exact nature of the complaint is understood and, where possible, establish from the complainant what actions they feel might resolve the problem at any stage. Identify possible sources of information and advice to help collate the necessary evidence. This might include:

- staff, pupils, governors, parents and visitors
- policies and procedures
- school records
- the law
- your own research
- Local Authority officers

This information may be obtained through written statements or interviews and, in many cases, the necessary arrangements will be made by the school.

### **The Complaints Committee Hearing will endeavour to:**

- Keep the hearing as informal as possible.
- Remember that witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, invite the complainant to explain their complaint, and be followed by their witnesses (if any).
- The headteacher may ask questions of both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may ask questions of both the headteacher and the witnesses after each has spoken.
- The Committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint
- The Chair explains that both parties will hear from the Committee in writing within a set time scale.
- Both parties leave together while the panel decides on the issues.

Procedures for the complaints hearing may vary with the approval of all parties, for example the complainant may wish to meet the complaints committee without a particular member of school

staff/governor being present. Where this is the case the complainant should be advised that it will still be necessary for the complaints committee to meet with the member of school staff/governor as part of the process.

## **Outcomes of Investigations**

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that a complainant might not be satisfied with the outcome if the governors do not find in their favour.

When complaints are responded to, those dealing with complaints at any stage will:

### Determine the facts

Decisions must be made on the balance of probabilities, which means that the evidence demonstrates that it is more likely than not, a particular event or action occurred.

### Identify what should have happened

By referring to relevant policies, procedures, or using common sense, it will be determined how the situation could have been handled. Relevant policy and procedure will be referred to and copies enclosed for reference. If it is simply a matter of common sense then it will be explained that this is what you would have expected to occur and the reasons for this.

### Identify any significant failings

Was anything handled inappropriately by the school, in the circumstances? Significant failings mean that, in the circumstances of this case, a particular action was unreasonable. However, if there was a valid reason for that action then, even if you disagree with that reason, the action could be deemed as reasonable.

'Reasonable' broadly means that the action was one which a large proportion of people in that profession, job, or in that situation, would have considered as an appropriate action in the given circumstances.

### What can you conclude?

If it is subsequently felt that the school, its staff or governors acted inappropriately then an apology will be made, briefly outlining what will be done to put things right. Those involved may have a right to their personal information being kept confidential, dependent on the circumstances.

If however it is felt that school, its staff or governors acted properly then it will be stated, with reasons given. Usually in these circumstances no further action will be taken and school will continue to support the child, the alleged perpetrator, the parents, the family etc., despite the decision not to uphold the complaint.

## **Responding to the Complaint**

At each stage in the procedure school will keep in mind ways in which a complaint can be resolved. If, at any of the stages the complaint isn't upheld, it will be made clear how the matter has been fully investigated with advice given where the complaint may be referred further. The following actions may follow in response:

- 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; and/or
- an undertaking to review school policies in light of the complaint.

Complainants are encouraged to state what actions they feel might resolve the problem at any stage, bearing in mind that an admission that school could have handled the situation better, is not the same as an admission of negligence.

### **Letter of Response to a Complaint**

- (i) Whether the complaint has been investigated by the headteacher, chair of governors or a complaints committee, a written response will be sent confirming the outcome of the investigation and how this conclusion had been reached within the agreed timescale.

### **The Role of Staffordshire County Council (Local Authority)**

Parents do not have a right of appeal to the Local Authority should they disagree with the decision of the committee. They may, however, raise the matter with the Local Authority if they consider the complaint wasn't investigated properly and fairly. So long as the committee followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will do little more than inform the complainant of that fact. If the committee is perceived not to have followed the proper procedure and considered the complaint reasonably the Local Authority may make practical suggestions to the committee but nothing more. Please note that the Local Authority does not have a statutory duty to consider the complaint any way.

### **The Role of the Secretary of State (DfE)**

Should the complainant still remain dissatisfied with the outcome of the complaint after **Stage 3**, the complainant is able to refer the matter to the Secretary of State, who will consider whether the school followed an appropriate procedure in dealing with the complaint.

### **Persistent or Vexatious Complaints**

Occasionally, a complainant may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all concerns and meet requests. Sometimes it is preferable to 'agree to disagree' and move on.

If a complainant continues to make representations to school or attempts to continue correspondence into the same issues, the chair of governors will inform them, in writing, that procedures have all been followed and that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

### **Dealing with Persistent and/or Vexatious Complaints**

A vexatious or persistent complainant is **not** someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the head teacher and/or governing body have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been ongoing for some time, or even in some cases there could be a valid reason for not following the full complaints process. This strategy will only be used if the head teacher and/or governing body have done everything possible to address and resolve a person's complaint(s) and it appears that the complainant has become overly preoccupied with their personal grievances, thereby becoming defined as being a vexatious complainant. If a complainant persists in making these types of representations to the school, to the head teacher, designated governor, chair of governors or anyone else, this can be extremely time-

consuming and can detract from the school's responsibility to look after the interests of all the children in its care.

To define a complainant's actions as vexatious, it would be expected that the complainant would be engaged in some or all of the following types of behaviour:

- frequently complaining about a variety of different things, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and /or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the school frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the school and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or
- persistently sending communications which demand responses, or making telephone calls seeking interview with staff, after the school has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

If the complainant's behaviour appears to noticeably fall into any of the above categories, then the head teacher, chair of governors or chair of the governors' complaints committee will contact their County Improvement Manager and/or Legal Services who can provide guidance on the appropriateness of imposing sanctions on the complainant. The governors will formulate a plan as to an appropriate sanction, which will depend on the circumstances and should be the most appropriate and least obstructive measure available. This will be approved by the County Improvement Manager and/or Legal Services before being implemented.

The complainant concerned will also be given an opportunity to modify their behaviour before closing correspondence. For example, a person who writes regularly to the school but refuses to meet with staff could be invited to a meeting with the governors to discuss their concerns. If the complainant does not comply with the request to change their conduct then a letter will be sent making clear that future

correspondence will not be responded to, but that the school will note any new concerns being raised and will appropriately investigate any that are considered to be of merit.

Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as well as notes of telephone calls and any further personal calls referring to the matter.

### **Behaviour of the Complainant**

If the behaviour of a complainant poses a threat to the school community, a warning letter to the person threatening to ban him or her from the premises will be sent. In extreme cases, it may be necessary for the chair of governors to impose an actual ban on the person and advice from the Legal Services Unit will be sought.

### **Monitoring and Recording complaints**

All complaints will be recorded and monitored to help identify any particular issues and enable any lessons to be learned by the School for the future. The headteacher will provide a termly report to the governing body identifying the number, nature and current status of complaints handled, without giving individual details. The governing body will monitor all complaints which reach formal **Stage 3** and receive a report at the end of the process.

Reviewed July 2017

Next Review July 2018