

Hillside Primary School

Complaints Policy



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Under Section 29 of the Education Act 2002 all governing bodies are required to have in place a procedure for dealing with complaints.

General Guidance

- Research shows that someone experiencing an unhappy situation with an organisation is likely to tell up to 10 other people about his/her negative experience. In terms of the reputation of a school this will relate to people within the local community, other parents, friends and relatives.
- However, someone having a good experience of how an issue is handled will tell up to 10 people about his/her positive experience.
- How an issue is handled gives people a clear idea of how committed the school and governing body are to giving the best possible provision.
- Issues need to be dealt with by parents, carers or guardians and a school as calmly, courteously and as quickly as possible.
- School staff must always give consideration to their own safety
- Guidance and procedures are available regarding violence at work in Section 8 of the Children's Services Health and Safety Manual.
- Schools and governing bodies may wish to discuss a way of obtaining feedback from parents which could allow for some issues to be dealt with before parents feel it necessary to raise concerns with the school.
- Concerns and complaints should be viewed positively as data gathered can be used to inform school evaluation and future plans and strategy.
- Parents, carers and guardians are reminded to let teachers and headteachers know when the school has done something they are pleased with.
- Skills that can be used to show understanding of and to resolve the concern or issue are:

Listening and probing for specifics

Clarifying ambiguities

Separating out multiple concerns

Repeating back to check understanding

Discussing realistic solutions

It is important that the school keeps a written record of any meetings that take place regarding an issue or complaint.

Allegations of abuse against a member of the school staff must be reported to the headteacher immediately. Allegations of abuse against the headteacher must be reported to the chair of governors immediately. In all cases the Children's Services information taken from Safeguarding Children in Education (issued November 2005 ref:DfES/0027/2005) must be followed. Contact must be made by the headteacher or chair of governors with the Children's Services Education Officer (Child Protection).



Procedures for handling concerns and complaints

All schools in Norfolk want their pupils to be healthy, happy and safe, and to achieve. They recognise that parents, guardians or carers play an important part in making this happen. Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school.

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

Level 1 – informal

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher or head of key stage about the concern. It is best to resolve issues at this point.

Guidance on informal level 1:

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
 - *A class teacher or head of key stage should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
 - *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
 - *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*
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Level 2 - informal

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher or head of key stage should ask for an appointment to meet with the headteacher.

If a resolution to the issue is proving difficult to find, the headteacher can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from a Children's Services Representative. The issue

that is the focus of the complaint will determine the person contacted. The headteacher should know who to ring or the Customer Service Centre will be able to offer information on 0844 800 8001 or e-mail:information@norfolk.gov.uk

Guidance on informal level 2:

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher or head of key stage then he/she can ask for an appointment to meet with the headteacher*
- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is good practice for the headteacher to write a letter to parents summarising what has been agreed regarding the issue.*
- *The headteacher may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.*
- *The advice from a Children's Services Representative will be designed to help facilitate a resolution to the problem as quickly as possible.*

It is hoped that most problems will have been resolved by now.

Level 3 – formal complaint letter to headteacher

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Parents, carers or guardians wishing to move to level 3 must write a formal letter of complaint to the headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved.

Headteachers should consider the complaint and discuss a resolution with the complainant. The headteacher should offer a resolution to the complainant in writing within 10 school days of receipt of the letter.

Guidance on level 3- formal:

- *An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.*
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Concerns or complaints specifically about the headteacher.

The decision that the headteacher has made as a result of the complaint does not become a complaint about the headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.

If, the concern or complaint is specifically about the headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to him or her at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors should acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

Level 4 – formal complaint requesting a Governors' Complaints Panel.

Time Scales:

Receipt of complainant's letter	Acknowledgement within 5 school days
Receipt of complainant's letter	Governors' Panel meeting within 15 school days (unless this goes into school holidays)
Written documentation sent to Governors' Panel Members, complainant and headteacher	5 school days before meeting.
Governors' Panel members decision communicated to all concerned	As soon as possible but within 10 school days of meeting.

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of the last meeting with the headteacher concerning the issue. The complainant should write to the Chair of Governors at the school address marking the envelope 'urgent and confidential'. The letter will need to set out the complaint that has previously been formally discussed with the headteacher and show why the matter is not resolved.

Before the meeting:

The chair of governors should appoint a clerk to the Governors' Complaints Panel, acknowledge the complainant's letter in writing within 5 school days of receipt and arrange for a panel of governors to meet within 15 school days of receipt. It must be recognised that if the letter is received within 14 school days to the end of

term it may not be possible to organise the governors' panel meeting. In this case the matter should be dealt with within 10 school days of the school reopening.

The headteacher should be given a copy of the complainant's letter and written documentation should be requested from the school. The clerk should send both the complainant's letter and the school documentation to the Governors' Complaints Panel members, complainant and headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and headteacher will be invited to attend the Governor's Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

At the meeting:

The complainant and headteacher (or his representative) should provide all the relevant information they wish and the Governors' Complaints Panel members should clarify any points. After the complainant and headteacher (or his representative) have provided all the information they wish, the chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

The decision of the Governors' Complaints Panel will not be investigated. If, however, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact a Children's Services Officer for assistance. In this case he/she should ring Customer Services on 0844 800 8001 who will arrange for an officer to get back to him/her.

Chapter 3, paragraph 14 of a Guide to the Law for School Governors states: under the Education Act 1996, paragraphs 496 and 497, anyone can complain to the Secretary of State for Education and Skills if he or she believes that a governing body is acting "unreasonably" or is failing to carry out its statutory duties properly. However, intervention can only occur if the governing body or the Local Authority has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education and Skills could instruct either party to do to put matters right.

Before the meeting:

- *The formal complaints letter should be passed to the vice-chair if the chair will be unable to receive the letter within 5 days.*

- *Members of the Governors' Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff governors will be members of the panel.*

At the meeting:

- *The Complaints Panel must be made up of at least three members and a clerk.*
- *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- *Everyone attending should be in the room at the same time*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- *The clerk should take notes of the meeting, listing who is present:*
 - Governors - stating who is the Chair of the Governors' Complaints Panel*
 - Headteacher - (or his/her representative) and any other members of school staff*
 - Parents - and anyone accompanying them e.g. friend, Clerk*
- *The chair of the Governors' Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The chair of the Governors' Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.*
- *The chair of the Governors' Complaints Panel should request a verbal statement from the headteacher (or his representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors' Complaints Panel members can ask questions to make sure they understand the issue from the headteacher's point of view.*
- *The members of the Governors' Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- *The chair of the Governors' Complaints Panel must ask the complainant and the headteacher (or his representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- *When the Governors' Complaints Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.*

After the meeting:

- *The Governors' Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.*
- *The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*

- *When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting.*

The decision of the Governor's Complaints Panel is final.

Once a Governor's Complaints Panel has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the chair of governors should inform the complainant that the matter is closed.

Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential.

Some complaints regarding admissions, the curriculum or special educational needs are covered by statutory regulations. The headteacher or deputy headteacher can give information about these issues or advice can be sought from the Customer Service Centre on 0844 800 8001 or e-mail: information@norfolk.gov.uk

Extended Schools:

The governing body should ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. Governors would need to have a discussion around, and make a decision about, what happens when the third party provider's complaints process is exhausted and the matter is not resolved and whether it should then be referred to a Governors' Complaints Panel. This would ensure that the Governors are kept aware of complaints about provision.

Vexatious Complainants:

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.



Procedures for handling vexatious (unreasonable or repeated) complaints

The HT and SLT deal with specific complaints as part of their day to day management of the school, in accordance with the school's complaints policy.

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. 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 wellbeing of the children or staff in the school.

In these exceptional circumstances, the school may take action in accordance with these procedures.

Aims:

- 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 wellbeing of children, staff, and everyone else who has legitimate interest in the work of the school, including parents and governors.
- Deal fairly, honestly, openly and transparently with those who make persistent or vexacious complaints and those who harass members of staff in school while ensuring that other stakeholder suffer no detriment.

Parents' expectations of the school:

Parents / carers / members of the public who raise either informal concerns or formal complaints with the school can expect the school to –

- Ensure that the Complaints Policy is available with the other policies on the website.
- Respond within a reasonable time
- Be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint.
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the school's complaints policy, other policies and practice.

The School's expectations of parents/carers/members of the public:

The school can expect parents / carers / members of the public who wish to raise concerns with the school to –

- Follow the school's Complaints Procedure
- Treat all school staff with courtesy and respect
- Respect the needs and wellbeing of pupils and staff in the school
- Avoid any use, or threatened use, of violence to people or property

- Avoid any aggression, verbal abuse or other intimidating behaviour
- Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language
- Recognise that teachers have responsibility for their class from 8.45am-3.10pm and will therefore, be unable to meet within these times.
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond and resolve any issues.

Who is a consistent complainant?

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 –

- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- Using Freedom of information requests excessively or unreasonably
- An insistence upon pursuing unsubstantial complaints and / or unreasonable outcomes.
- An insistence upon pursuing complaints in an unreasonable manner
- 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.
- 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.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions in the above areas in such a way that they–

- Appear to be targeted over a significant period of time to one or more members of school staff and / or;
- Cause ongoing distress to individual members of school staff and / or;
- Have a significant adverse effect on the whole / parts of the school community and / or;
- 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, wellbeing and health.

The school's actions in cases of persistent or vexatious complaints or harassment

In the first instance, the school will communicate either in writing or verbally (confirmed with a letter) to 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.

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 –

- 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
- 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 interest of all parties
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only
- In the case of physical or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban.
- Consider taking appropriate advice on pursuing a case under Anti-Harassment legislation
- Consider taking advice from HR / Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, ie the complainant will not be able to deal directly with the Headteacher but only with a third person, to be identified by the Governing Body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexacious and then advise the Headteacher accordingly.

In the event of extreme situations or events, the school may take the decision to move to implementing one of the above steps immediately. In this situation the complainant will be informed in writing.

The Headteacher and SLT will keep the Chair of Governors informed at all times.

Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to the appendix for dealing with persistent or vexacious complaints and / or harassment. However the school will be advised by HR / Legal Services.

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

Monitoring & review, policy into practice

The named Governor for this policy, alongside the headteacher, will regularly monitor and evaluate mechanisms to ensure that the policy is being consistently applied. Any issues identified will be incorporated into the school's action planning.

Name/Signature of Governor: Sue Stinton

Name/Signature of Headteacher: Simon Minter

Date: Mar 2017

Review date: Mar 2019

Flowchart of procedure for handling concerns and complaints:

