

Complaints Policy

Mill Rythe Junior School
Approved by Governing Body
Date ratified: January 2017
Review date: January 2020

Mill Rythe Junior School is committed to providing the best education for our children and want our pupils to be healthy, happy and safe and to achieve well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community.

We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

Underlying principles:

- To prevent concerns from developing into major complaints or litigation
- To strengthen parents' confidence
- To strengthen relationships between parents, school and the community
- To recognise that things can go wrong and that the school is committed to resolving concerns as quickly and effectively as possible

Aims:

- To resolve concerns through informal discussions at the earliest stage
- To be speedy, with well defined timescales and named contacts
- To focus on resolution and service review rather than blame
- To promote confidentiality and discretion
- To include fair and transparent investigative processes for staff as well as complainants
- To indicate other sources of advice where appropriate

The staged approach for dealing with complaints:

Step 1: Discussion with class teacher

Step 2: Assistant or Deputy Headteacher

Stage 3: Headteacher

Stage 4: Chair of Governors

Stage 5: The Governing Body's Complaint Panel

Stage 6: The Secretary of State for Education

Step 1: Discussion with class teacher

Should a parent have a complaint or a concern they should, at the earliest opportunity, speak informally to their child's class teacher.

If the complainant has a concern or complaint that is specifically about the Deputy or Assistant Head, then the complainant must speak to the headteacher in the first instance.

However, if the complainant has a concern or complaint that is specifically about the Headteacher, then the complainant must write a formal letter of complaint to the Chair of Governors. The school will provide the complainant with the Chair of Governors' name and the complainant should write to him or her at the school address, marking the envelope 'urgent, private and confidential'.

Step 2: Assistant or Deputy Headteacher

Where a parent feels the complaint has not been resolved through an informal discussion with the classteacher, or that their concern is of a sufficiently serious nature they should make an appointment to discuss it with the **Assistant** or **Deputy Headteacher**.

A meeting date will be made between either the Deputy or Assistant Headteacher and the parents within five school days of the initial request.

Brief minutes of the meeting will be recorded by the deputy or assistant using the 'School Complaints Recording Form' (appendix 1):

- A record of the parent's concern.
- What action they have taken so far to try and resolve the concern.
- What parents would like as an outcome to resolve their concern.

Minutes taken of the issues above will be confirmed with the parent at the end of the meeting to ensure all parties have a shared understanding. The deputy or assistant may need to investigate further before responding to the concern. This investigation will take no longer than five school days and the deputy or assistant will record the outcome of the investigation and action taken along with the notes from the initial meeting. We anticipate that the majority of concerns will achieve a satisfactory resolution at this stage. However, should all parties not be satisfied with the outcome of this meeting then parents will be informed of the next stage of the process.

Stage 3: Headteacher

Parents will be advised to write to the Headteacher (by letter or email):

- Giving details of the complaint
- Explaining what action, if any, they have taken so far to resolve the complaint
- Explain why the parent feels the issue has not been resolved
- Explaining how they would like the concern resolved
- Enclosing any appropriate paperwork

(The Parental Complaint Form can be used - see appendix 2).

The Headteacher will respond to the parent in writing, by email or letter.

The Headteacher will acknowledge the complaint (or offer a full response) within five working days by email, letter or by invitation to a meeting to discuss the complaint.

The Headteacher 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 (n.b. this is not an admission of negligence).
- An assurance that the event complained of will not recur.

If the complaint requires an in-depth investigation, the Headteacher will acknowledge this and let the complainant know that they will investigate the complaint and will respond to them within 15 school days. If an investigation is required, the investigation and response preparation will be completed and parents either invited to a meeting or a written response shared with parents within fifteen working days of the written complaint to the Headteacher being received.

If a meeting is held, the Headteacher may invite another member of staff to attend who has a detailed knowledge of the original concern.

During the meeting, the Headteacher will take minutes using the 'School Complaints Recording Form' and confirm agreed actions with parents at the end of the meeting.

The Headteacher will subsequently follow up the main points of the meeting in a letter within five school days of the meeting being held. This may prevent any misunderstanding and ensure that all parties have a clear record of progress or agreements.

Where the complainant is unhappy about the decision the Headteacher has made about their complaint, this does not become a complaint about the Headteacher. The Headteacher should explain how the parent may move to the next stage in the complaints process.

If the complainant feels that the complaint has not been resolved the complainant should move to Step 4 of the procedure.

Stage 4: Chair of Governors

Parents will be advised to write to the Chair of Governors outlining:

1. Their complaint and actions they would like to resolve their complaint.
2. Explain the reasons for pursuing it beyond the Headteacher's response.
3. Enclosing any relevant paperwork.

This stage offers an opportunity for achieving conciliation between all parties.

The Chair will decide who is responsible for dealing with the issues involved and therefore what powers are available to governors with respect to the particular complaint.

If the matter relates to delegated responsibilities and matters within the remit of the governing body, the Chair may look at the whole issue afresh.

If the matter relates to an issue which is the Headteacher's responsibility, the Chair is only empowered to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.

The Chair of Governors will acknowledge the complaint (or offer a full response) within five working days by email, letter or by invitation to a meeting to discuss the complaint.

If the complaint requires an in-depth investigation, the Chair of Governors will acknowledge this and let the complainant know that they will investigate the complaint and will respond to them within 15 school days. If an investigation is required, the investigation and response preparation will be completed and parents either invited to a meeting or a written response shared with parents within fifteen working days of the written complaint to the Chair of Governors being received.

If a meeting is held, the Chair of Governors will subsequently follow up the main points of the meeting in a letter within five school days of the meeting being held. This may prevent any misunderstanding and ensure that all parties have a clear record of progress or agreements.

If a parent is unhappy with the outcome the Chair of Governors may offer a right of appeal to the Governing Body's complaints panel.

Stage 5: The Governing Body's Complaint Panel

If, in the very rare circumstance of a parent remaining dissatisfied with the outcome they may request that the Governing Body's complaints panel hears the case. The request should be made in writing to the Clerk to the governing body, via the school address and should include information about the:

- Nature of the original complaint and specifically what action they would like to resolve the complaint.
- Action taken by the Headteacher to resolve the complaint.
- Action taken by the Chair of Governors to resolve the complaint.
- Reason for pursuing the complaint beyond the Chair of Governors (e.g. has the complaint policy not been followed correctly **or** does the parent not agree with the decision made by the Chair of Governors?).

The Complaint Panel Meeting

The Clerk will arrange a meeting within 20 days of the request and inform parents about the process and agenda. The complaint panel will consist of three governors with no previous involvement in the matter. For complaints specifically about the national curriculum, religious education and related matters, members will, where possible, be drawn from the governors' Curriculum and Standards Committee. Parents and the school will be given the opportunity to submit additional supporting information prior to the meeting. The panel will then meet with all parties to consider both written and oral submissions.

An example of a typical agenda would be:

1. Introductions
2. Oral submissions by the complainant
3. Questions from the school
4. Oral response by the Headteacher and Chair of Governors
5. Questions by the complainant
6. Brief summary by the complainant, with no new information
7. Brief summary by the school, with no new information

Role of the panel (Taken from HCC Good Practice Guidance 2014):

It is important that the complainant understands that governors' powers are limited and, in some circumstances, that the complaint will only be *reviewed* rather than *reconsidered*.

Review: Many of the actions taken or decisions made by a Headteacher are entirely within the Headteacher's own remit and professional terms and conditions of service. In these cases the governors do not have the power to overturn the decision or direct a Headteacher to change a decision/action. The Chair of Governors does not have the power to consider afresh the complaint itself. The main function of the complaints panel in these circumstances will be to ensure that the complaint has been properly handled by the Headteacher (and Chair of Governors); that a sufficiently comprehensive investigation has been carried out; that all information available at the time has been considered and/or

the correct procedures/policies have been adhered to. Additionally, it will look at how the school has tried to resolve the disagreement.

The panel will also *review* whether the Headteacher has acted 'reasonably', that is, was the Headteacher's response one within a reasonable *range* of responses that might have been made, for example, by other Headteachers in the same circumstances.

Reconsideration (considering afresh)

Some matters can be considered 'afresh' by governors. These may relate to a matter which has been delegated to the headteacher but is a governing body's responsibility. In these less common circumstances, the panel can *reconsider* the matter and make its own decision. In doing so, it can take into account any new information that may not have been previously available to the headteacher.

Parents and school will then be notified of the panel's decision in writing within one working week.

Stage 6: The Secretary of State for Education

If a parent is not satisfied with the decision of the Governing Body's complaints panel they should write to the Secretary of State for Education.

Additional Notes:

Time limits: Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure must only relate to incidents or concerns occurring within the last 12 months. The complainant's complaint will not usually be able to be considered if their child no longer goes to the school.

Exclusions to the procedure:

Safeguarding referrals: Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually local authority children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.

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. Please see Appendix 3 for a copy of the **Policy for dealing with persistent or vexatious complaints or harassment**.

Appendix 1
Mill Rythe Junior School
Parent Complaint Form



Mill Rythe
JUNIOR SCHOOL

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of the complaint below:

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

Why do you feel your complaint has not been resolved?

How do you feel your complaint could be resolved to your satisfaction?

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 of complaint sent:

By who:



Appendix 2
Mill Rythe Junior School
Record of Preliminary Complaint
Meeting with Deputy or Assistant Head or Headteacher

Date of initial request for meeting:
Parent:
Child & class:
Date of meeting:
Details of parental concern:
Has this been confirmed with parents?
What action have parents taken to try and resolve the concern?
What action would parents like to resolve concern:
Has this been confirmed with parents?
School response & action taken:
Has this response been shared with parents within five days of initial meeting?
Have parents been told they can escalate complaint to the Headteacher/ Chair of Governors?

Appendix 3 – Policy for dealing with persistent or vexatious complaints or harassment

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 Complaint 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. In these circumstances the school may take action in accordance with this policy.

1. Aims of the Policy

- a. 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
- b. Support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents
- c. 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. Parents Expectation of the School

Parents/carers/members of the public who raise either complaints expect the School to:

- a. Communicate to parents in writing explaining how and when problems can be raised with the school using the Complaint Policy and the existence of the Policy for Dealing with Persistent or Vexatious Complaints or Harassment
- b. Respond within a reasonable time
- c. 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
- d. Respond with courtesy and respect
- e. Attempt to resolve problems using reasonable means in line with the school's complaint policy, 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

3. 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 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 Complaint Policy

4. Who is a Persistent 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:

- 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

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.

5. The School's actions in cases of Persistent or Vexatious Complaints or Harassment

- 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.
- This will be confirmed in writing.

- 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 their behaviour is now considered by the school to be unreasonable and or unacceptable and, therefore, fall under the terms of this policy.
 - 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.
 - c. Inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only.
 - d. In the case of physical or verbal aggression the school will consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban. Guidance on this matter will be taken from the Legal Department.
 - e. Advice may be sought from the Local Authority on pursuing a case under Anti-Harassment legislation.
- 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.
- 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.