

Shamblehurst Primary School

Complaints Policy

Reviewed: March 2017

This policy must comply with Section 29 of the Education Act 2002

1. Introduction

Shamblehurst Primary School is dedicated to providing the best possible education and support for its pupils. This means having a clear, fair and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

This policy explains the steps that will be followed whenever an issue arises that causes concern. Any person, including members of the general public, may make a complaint about provision of facilities or services that our school provides, unless separate statutory procedures apply.

This procedure does not apply to complaints about:

- Admissions to school
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary procedures
- Complaints about services provided by other providers who may use the school's premises or facilities

In these cases, there are other separate and statutory procedures.

The school will not respond to anonymous complaints under this policy, however, the Headteacher and / or Chair of Governors will consider whether the issue and fear of identification are genuine or the issue is one of child protection.

For more information on our school's provision for protecting our pupil, please refer to our **Child Protection** policy and our **allegations of abuse against staff** policy, both of which are available from the office.

If we cannot meet the timescales set out in our policy, we will provide a clear explanation of the reason for this along with details of the indicative timescales.

2. When an issue or concern first arises

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone, or in writing. You may wish to approach your child's class teacher first as they will be best placed to help you directly or by letting you know which other member of staff you should be speaking to.

We encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding. We will take your concerns seriously and make every effort to resolve the matter as quickly as possible.

The Chair of Governors reserves the right to refer complaints that are taken straight to them back to the appropriate member of staff if it does not warrant the Governing Body's involvement at that point.

2.1 Initial informal meeting

When a concern has been received, you may receive a telephone call from the member of staff or Headteacher to discuss your concerns, or you may be invited to attend a meeting with a member of staff or the Headteacher to discuss your concerns.

If invited to a meeting, you are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed and will make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure your concerns are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if you are dissatisfied with the outcome, you can make a formal complaint to the Headteacher. If your complaint is about the Headteacher you should make your complaint in writing to the Chair of Governors. It is preferable for you to make your formal complaint in writing, but complaints can be made in person or by telephone.

There is no prescribed timescale for resolution at this stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within **10 school days**.

3. Formal complaints

In order to ensure complaints are dealt with efficiently and effectively, Shamblehurst Primary School deals with formal complaints in three stages.

3.1 Stage 1 – Complaint heard by the Headteacher

If you feel that your concern has not been dealt with as you would like, are unhappy with the outcome of your informal meeting, or feel that the issue is serious enough that it warrants it, you can make a formal complaint to the Headteacher. It is preferable for you to make your formal complaint in writing, but complaints can be made in person or by telephone.

The Headteacher will acknowledge your complaint in writing or offer a full response within **5 school days**. If further investigation is required, the Headteacher will acknowledge receipt of your complaint within 5 school days and will advise you that a full response will be provided within **20 school days**.

The Headteacher may invite you to attend a meeting to discuss your complaint and possible solutions, or to explain what has happened or will happen as a result of your complaint.

The Headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

If your complaint is about a member of staff, the Headteacher will talk to that employee and invoke the relevant procedure if required. It will not be appropriate to inform you of the outcome of any investigation in relation to an individual member of staff.

The Headteacher will respond to you in writing within **20 school days** of receiving your complaint outlining their full response to your concern, and any action that has or will be taken. If the Headteacher has decided not to take any further action, they will explain what they have decided

and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the Headteacher's response.

3.2 Stage 2 – Complaint heard by the Chair of Governors

If, having spoken to the Headteacher, you are dissatisfied with the outcome of your complaint, you should write to the Chair of Governors within **10 school days**¹, explaining your concern and the steps that have resulted in you taking this course of action.

The Chair of Governors will acknowledge your complain in writing or offer a full response within **5 school days**. If further investigation is required, the Chair of Governors will acknowledge receipt of your complaint within 5 school days and will advise you that a full response will be provided within **20 school days**.

The Chair of Governors may invite you to attend a meeting to discuss your complain and possible solutions, or to explain what has happened or will happen as a result of your complaint.

The Chair of Governors will explain that the Governing Body has a strategic role and is responsible for the school's strategic framework and the Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the Governors' policies. The Headteacher is solely responsible for making day-to-day decisions.

This stage offers an opportunity for achieving conciliation between all parties and discussions between the Chair of Governors and the Headteacher will be key to resolving the complaint and agreeing a way forward. The Chair of Governors will decide what powers are available to Governors in respect of the particular complaint. In reaching the decision, the Chair of Governors will determine to what extent the issue relates to responsibilities that:

- (a) are delegated to the Headteacher by the Governing Body; or
- (b) fall within the Governing Body's remit only; or
- (c) are within the Headteacher's Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.

For delegated responsibilities and matters within the remit of the Governing Body, the Chair of Governors may look at the whole issue afresh. If the matter relates to the Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority and / or Education Personnel Services. For matters that are the Headteacher's responsibility, the Chair of Governors is empowered only 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 keep a record of all interactions with you and any decisions made in reference to your complaint.

If the Chair of Governors has decided not to take any further action, they will explain what they have decided and how they reached the decision. You will also be advised of your right to take the matter further if you are not satisfied with the Chair of Governor's response.

¹ Exceptions to this time frame may be considered

3.3 Stage 3 – Complaint heard by Governing Body’s Complaints Panel

If you are dissatisfied with the outcome of your complaint, you should write to the Clerk to Governors within **10 school days**² of the outcome of stage 2, explaining your concern and the steps that have resulted in you taking this course of action.

The Clerk to Governors will acknowledge receipt of your request within **5 school days**. The complaints panel will usually be convened within **20 schools days** of receiving the request for your complaint to be heard by the Governing Body’s complaints panel. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

The main function of the complaints panel will be to:

- (a) ensure the complaint has been properly handled by the Heateacher (and Chair of Governors)
- (b) ensure that a sufficient comprehensive investigation was carried out
- (c) ensure that the correct procedure / policies were followed.

The panel will also review whether the Headteacher (and Chair of Governors) acted reasonably.

The Clerk to Governors will arrange and facilitate the meeting of the complaints panel. You are entitled to an independent panel to hear your complaint and the complaints panel will consist of three governors who have no former knowledge or involvement in the matter being considered. The chair of the panel will be nominated from within the group of panel members. All panel members will have access to, and will be familiar with, this complaints policy. The Clerk to Governors will confirm to all parties, in writing, the date, time and venue for the , meeting at least **10 school days** in advance.

The Clerk to Governors will request that you supply any paperwork you feel the panel will require to consider your complaint fully. The Headteacher (and Chair of Governors) will also be requested to supply copies of their responses to the previous stages of the procedure, and any further paperwork they consider the panel will require to consider the complaint fully. Copies of all paperwork will be distributed to all parties by the Clerk to Governors at least **3 school days** in advance of the meeting.

You are welcome to bring a friend or partner for support to the meeting and the chair of the panel will ensure the meeting is conducted within a relaxed atmosphere whilst keeping to the formal agenda. The Headteacher (and Chair of Governors, if attending) is also invited to bring a representative or member of staff for support.

No previously undisclosed evidence relating to the complaint should be introduced during the meeting.

The Clerk will inform you (and the Headteacher and / or Chair of Governors) in writing of the panel’s decision within **5 school days** of the meeting. The letter will include a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions or outcome. The panel may suggest you meet with the Headteacher and / or Chair of Governors again to aree a way forward.

The letter may set out recommendations which will be made to the Governing Body.

² Exceptions to this time frame may be considered

The panel's decision is the final stage in the complaints procedure. If you feel the school has acted unreasonably or has not followed the correct procedures in relation to your complaint, you may write to the Secretary of State using the following contact details:

School Complaints Unit, Department for Education,
2nd Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD

4. Unreasonable complaints

Shamblehurst Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. Operating from a position of mutual respect, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour including that which is abusive, offensive or threatening.

Shamblehurst Primary School defines unreasonable complaints as "those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints".

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the schools' complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified comments about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into a complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language

- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media, websites and newspapers

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors, will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Shamblehurst Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the Police informed. This may include banning an individual from Shamblehurst Primary School.

5. Governing Body review and monitoring of complaints

The Headteacher will report termly to the Governing Body, through her Headteacher report, on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published.

The Governing Body will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

6. Staff complaints

Staff who have a concern about a colleague or volunteer in school should refer to the **whistleblowing** policy which is available from the school office.

The procedure for dealing with any other staff complaint or employment grievance is set out in the school's **grievance** policy which is available from the school office.

7. Complaints Policy review

The Governing Body of Shamblehurst Primary School will review this policy every 2 years, or sooner if there are any legislative changes. The Governing Body of Shamblehurst Primary School will also review this policy following a complaint panel meeting to ensure that it met the requirement to provide a clear, fair and efficient complaints procedure.

Date reviewed: March 2017

Date for next review: March 2019

Appendix 1

SHAMBLEHURST PRIMARY SCHOOL

Habitual or Vexatious Complainants Policy

Introduction

The policy should only be invoked following careful consideration of all the issues by the Headteacher and the Chair of Governors after an attempt has been made to reason with the complainant and it has been explained to them what it will mean if the habitual and vexatious policy is invoked.

This policy applies to all complainants, and identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and ways of responding to these situations.

In this policy the term habitual means “done constantly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests impose a disproportionate and repeated burden on the school staff and governors by pursuing an unreasonable course of conduct.

The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004 and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Habitual and/or vexatious complainants can be a problem for school staff, Governors and Trustees. The difficulty in handling such complaints can place a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Scope of Policy

This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school’s complaints procedures. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

Authorisation to invoke the policy must be made in consultation with and on the advice of a panel of three Governors. In an emergency, the Chair of Governors or, if unavailable, the Vice Chair of Governors may give authorisation, pending ratification by the panel of three Governors. The decision to invoke the policy must be reported to the full Governing Body.

Definition of Habitual or Vexatious Complainant

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

(a) persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (eg. where several responses have been provided)

(b) change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints.

(c) are unwilling to accept documented evidence of action

(d) are unwilling to accept that the Governing Body has reached a final decision on a chosen course of action

(e) deny receiving an adequate response in spite of correspondence specifically answering their questions

(f) persist in pursuing a matter when they have already exhausted other statutory routes

(g) do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns

(h) continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing Body to investigate

(i) focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a "trivial" matter is can be subjective and careful judgements must be used in applying this criteria

(j) have, in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case

(k) have threatened or used physical violence towards staff at any time. This will in itself cause personal contact with the complainant and/or their representatives to be discontinued and the

complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place

(l) have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour

(m) are known to have recorded meetings or telephone conversations or circulated such recordings to third parties without the prior knowledge and consent of other parties involved

(n) make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.

Strategy for Dealing with Habitual or Vexatious Complainants

Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officers (Headteacher and Chair of Governors or if unavailable the Vice Chair of Governors) will determine what action to take. The Clerk will implement such action and will notify complainants, in writing, of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it e.g. staff or Members of Parliament. A record must be kept, for future reference, of the reasons why a complainant has been classified as habitual or vexatious.

It may be decided to deal with complainants in one or more of the following ways:

(a) Withdraw contact with the complainant either in person, by telephone, by email or by fax, retaining contact only by letter. In this instance, the complainant must be informed by letter or email of the decision. An example of such a letter is given at the end of the policy.

If staff are to withdraw from personal or telephone conversation with a complainant, then, following the letter informing the complainant of this decision, there will be an agreed statement available for them to use if they receive any direct contact. An example of such a statement is:

I apologise that, as you are aware, I am unable to help you with this. Please address any concerns that you have in writing to the class teacher or Headteacher.

(b) To restrict contact to liaison through a designated member of staff.

(c) Notify the complainant in writing that the Governing Body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any

form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.

(d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing Body shall not, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

(e) Ban the complainant from attending the school without prior written consent.

Review Decisions and Withdrawing “Habitual or Vexatious” Status

Once a complainant has been determined as habitual or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

A panel of three Governors should review their decisions to categorise a complainant as habitual or vexatious every six months.

The panel on any review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.

If the panel considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school’s complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

Monitoring Arrangements

Incidents will be presented at the next scheduled meeting of the Governing body with details of complainants who are categorised as habitual and/or vexatious in the Headteacher’s Report to Governors.

General

Nothing in this policy affects an individual’s statutory rights.

To be read in conjunction with Shamblehurst Primary School Complaints Policy

Date: 29/11/2017

Sample letter to restrict contact by a complainant:

Dear _____,

I am writing to you regarding your correspondence regarding the *insert details about the complaint, or stage of the complaints policy that the school has reached e.g. Stage 3 complaint.*

No party within the school or from the Governing Body can discuss the complaint any further. The Governing Body has dealt properly with the complaint and the Complaints Panel has reached its decision. The issue is now closed and neither the school nor the Governing Body will enter into further correspondence regarding the complaint.

Due to the high level of correspondence received by the school and Governing Body during the complaints process, which has impacted negatively on the day-to-day operation of the school, I have taken advice from the Hampshire County Council Legal Team and am informing you that any further concerns or complaints should be put in a letter to the class teacher or Headteacher. Any such letters will be looked at, taken seriously and responded to within a week.

Chair of Governors