

# **Complaints POLICY**



## **Tyntesfield Primary School**

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## ABOUT THIS POLICY

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures. If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it. In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages. However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

## WHO IS ALLOWED TO COMPLAIN?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community.

## AIMS AND OBJECTIVES OF THE POLICY

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

## MONITORING COMPLAINTS

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the school complaints policy and will be responsible for monitoring

complaints. Records should be retained for the periods specified in guidance on records retention (available separately).

#### UPHOLDING OR NOT UPHOLDING COMPLAINTS

At each stage of the complaints procedure, the conclusion will be either:

1. That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken. Or
2. That the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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;
- 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;
- an undertaking to review school policies in light of the complaint.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

#### PUBLICITY AND COMMUNICATION

This policy will be made available via the School Office and on the website. It may be included within the information given to new parents when their children join the school.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved. At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

#### CONFIDENTIALITY

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

## EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied by a friend or relative at discussions and hearings.

If a complaint concerns the Headteacher, the governing body are advised to work with Trafford from the outset. In exceptional circumstances, Trafford is able to investigate on behalf of either the Headteacher or Governors. Where possible, the intention will always be for Trafford to support the school in its own investigations rather than take complete responsibility for them itself.

## TIME BETWEEN STAGES

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

Changes to time limits and deadlines In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible. Where a complaint leads to criminal proceedings this will always be the case. If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

## VEXATIOUS COMPLAINTS

The Chair of Governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed. In both cases, the complainant has the right to take their complaint to the Department for Education (or the EFA in the case of Academies).

## UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

The head teacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. Sometimes, however, parents or carers pursuing complaints or other

issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

This Policy provides information about our school policy on unreasonably persistent complainants or harassment of staff.

### **What do we mean by ‘an unreasonably persistent complainant’?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, or persistent – even when the complaints procedure has been exhausted, or personally harassing, or unjustifiably repetitious
- An insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints, pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or making complaints in public or via a social networking site such as Facebook; or
- refusing to attend appointments to discuss the complaint.

### **What is ‘harassment’?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

### **WHAT DOES THE SCHOOL EXPECT OF ANY PERSON WISHING TO RAISE A CONCERN?**

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;

- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and
- allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

#### UNREASONABLY PERSISTENT COMPLAINTS OR HARASSMENT

This Policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through a designated person or the Clerk to Governors.

#### PHYSICAL OR VERBAL AGGRESSION

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of such the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

#### SCHOOL'S RESPONSE TO UNREASONABLY PERSISTENT COMPLAINTS

Legitimate complaints will always be considered, even if the person making them is (or has been) deemed to be Unreasonably Persistent or to have engaged in behaviour which is constitutes Harassment. Any such decision will form part of the evidence considered by a 3<sup>rd</sup> Stage Appeal Panel who will have the remit to review all decisions taken under this Policy. Any decision to deem an individual/party as Unreasonably Persistent will be subject to review after 6 months. The school reserves the right not to respond to communications from individuals subject to compliance with this Policy.



## APPEALS

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual which they feel is ungrounded, unjustified or incorrect they have the right to appeal. Appropriate Appeals procedures will be followed in order to facilitate this.

## THE STAGES OF THE COMPLAINT

### STAGE 1 (INFORMAL): COMPLAINT HEARD BY STAFF MEMBER

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint. It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member.

Where the complaint concerns the Headteacher or a Governor, the complaints co-ordinator can refer the complainant to the Chair of Governors (or Vice Chair if it involves the Chair). The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Governors should seek advice from the Clerking Service.

### STAGE 2 (FORMAL): COMPLAINT HEARD BY HEADTEACHER

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint.

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

### STAGE 2 (FORMAL): COMPLAINT HEARD BY CHAIR OF GOVERNORS

If the complainant is about the Headteacher or a Governor, the complainant should write to the Chair of Governors to request that their complaint is considered further.

If the complaint is regarding the Headteacher or a Governor, it will be investigated by the Chair of Governors who may conduct the investigation him/herself, delegate it to another

Governor or commission an independent investigation. The Chair should seek advice from the Clerk to Governors and if necessary, HR and Legal Advisors.

### STAGE 3 (FINAL SCHOOL BASED STAGE): COMPLAINT HEARD BY COMPLAINTS APPEAL PANEL

If the complaint remains unresolved following the response of the Headteacher and Chair of Governors, the complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair (or Clerk on behalf of the Chair) will convene a complaints appeal panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions. Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Complaints Appeal Panel will be constituted by Governors subject to availability and impartiality. The Panel will have delegated powers to; hear complaints; set out its terms of reference and procedures; hear individual appeals; make recommendations on policy as a result of complaints. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

### THE REMIT OF THE COMPLAINTS APPEAL PANEL

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

*There are several points which any governor sitting on a complaints panel needs to remember:*

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and be sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it

has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints policy and their roles and responsibilities seeking advice where necessary from the Clerk.

#### THE ROLE OF THE CLERK

The department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings by taking discursive minutes;
- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed or challenged.

## THE ROLE OF THE CHAIR OF THE GOVERNING BODY OR THE NOMINATED GOVERNOR

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

## THE ROLE OF THE CHAIR OF THE PANEL

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## NOTIFICATION OF THE PANEL'S DECISION

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## THE FINAL STAGE OF APPEAL IS TO THE SECRETARY OF STATE FOR EDUCATION.

Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation.

However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

#### CHECKLIST FOR A PANEL HEARING

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question 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 question both the Headteacher and the witnesses after each has spoken.
- The panel 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.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

**Stage 1 – Complaint heard by staff member**

- Ensure complaints co-ordinator informed of outcome.

**Stage 2 – Complaint heard by Headteacher**

- Acknowledge receipt of complaint and process for Stage 2
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

Stage 2 - Complaint heard by Chair of Governors (*If Complaint is regarding the Headteacher or a Governor*)

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

**Stage 3 – Governor’s complaints panel meeting arranged**

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD.

## EXAMPLE OF A COMPLAINT FORM

Please complete and return to .....(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.**

(Who did you speak to and what was the response)?

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

Signature:

Date:

Complaint referred to:

Date: