



# **Complaints Procedure / Policy**

## **2020-2023**

(includes DEALING WITH PERSISTENT OR VEXATIOUS  
COMPLAINTS/HARASSMENT IN SCHOOLS)

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November 2020

Next review date: Autumn 2023



## COMPLAINTS PROCEDURE (includes DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARASSMENT IN SCHOOLS)

### Rationale:

Hillside Primary School is committed to providing the best education for our young people and we want our pupils to be healthy, happy and safe and to do 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.

### Aims:

The procedure for handling complaints is intended to: -

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- allow complaints to be dealt with speedily and consistently with fairness to all concerned
- ensure a full and fair investigation
- respect individuals' desire for confidentiality
- address the key issues raised, provide an effective response and appropriate action
- be used by staff and governors appropriately and confidently

In situations where it has not been possible to settle a complaint through this process the Local Authority may be able to advise parents/carers and the school in order to help resolve difficulties, but will not be able to become involved if the steps set out below have not been followed.

### Who is the procedure for?

- Anyone (parents, carers or members of the public) must feel able to raise a concern or make a comment about what goes on in school with members of staff, the Head Teacher, or other nominated senior member of staff, without formality.
- The procedure does not cover complaints that relate to those matters outlined below, for which there are separate arrangements. Where a complaint is made and subsequently found to fall within one of these categories, it will be investigated in accordance with the appropriate procedures, and the complainant will be notified accordingly.
- *Child protection issues; SEN and appeals to SEN tribunals; the curriculum, collective worship or R.E.; temporary disapplication of the National Curriculum; school admissions and admission appeals; staff disciplinary and grievance matters.*

Complainants will be treated seriously and courteously and given the time they need to be heard. It is important that complainants have confidence in the procedure and know that their concerns and complaints will be investigated fully and impartially.

## **Guidelines: If you have a complaint...**

### **Step 1 – A First Informal Meeting**

The complainant should start by telling the class teacher about their concern. This is usually the best and quickest way of resolving issues.

It is recommended that the complainant makes an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.

It is important that the complainant recognises that schools are busy organisations and it may not be possible to offer an appointment straight away. ·

The purpose of the meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem. The class teacher will make a brief written record of the concern raised and any actions agreed along with a reasonable timescale for this action.

### **Step 2 - Complaint handled by the Head teacher (Informal)**

If a parent feels that a concern has not been solved through discussion with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint.

If the Headteacher cannot resolve the complaint at the initial meeting then the school may carry out an investigation of the complaint. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or may be a member of the Senior Leadership Team, especially if there is the likelihood of a personnel issue emerging from the investigation. The investigation will be completed within **10 school days** and a follow on meeting held with the parent to discuss the results of the investigation. Further meetings may be held as required if both parties agree that the concern may be resolved by subsequent meetings, whilst still at the informal level.

The Headteacher will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

It is hoped that most problems will have been resolved at this stage through the informal process.

### **Step 3 - Formal Complaint Letter to the Headteacher**

If the complainant feels that the issue raised has not been resolved through the informal process and they wish to pursue it further the complainant may raise it through the formal procedure. To do this the complainant must write a formal letter of complaint to the Headteacher. They may wish to use the formal complaint form (see attached).

The complainant's letter should set out clearly the concern which has previously been discussed and why the complainant feels that the issue is unresolved. It is also helpful if the complainant can set out in their letter what resolution they are seeking.

Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.

The Headteacher will consider the complaint and in doing so should:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet or contact the complainant if they need further information;
- clarify what the complainant feel would put things right if this has not been set out in the complainant's letter;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct any interview with an open mind and be prepared to persist in the questioning;
- Keep notes of any interview for the record.

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.

A response will be provided within 10 working days of receipt of the letter.

Where the complainant is unhappy about the decision the Headteacher has made about their complaint, this does not become a complaint about the Headteacher. If the complainant feels that the complaint has not been resolved the complainant should move to Step 4 of the procedure.

#### **Step 4: - Formal Complaint Letter to the Governing Body**

The complainant must write a formal letter of complaint to the Chair of Governors. On receipt of this, a panel of two or three Governors will be convened to hear the complaint, and make a decision about it on behalf of the Governing Body. The Governors appointed to the panel will have had no previous involvement in the complaint.

The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parents.

The decision reached by the panel will be notified in writing to the Complainant and any subject(s) of the complaint. Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. It may be appropriate for the nominated complaints governor to telephone the Complainant regarding the outcome. However this will always be followed up with a letter to make sure there is no misunderstanding.

When a formal complaint is received by the Chair of Governors a letter of acknowledgement and a request for written evidence will be sent to the Complainant within 10 school days.

The panel will convene the complaints meetings as soon as is practically possible after the receipt of all written evidence, at mutually acceptable times. Following the conclusion of the complaints meetings with all parties, the panel will provide a written response to the complaint within 15 school days.

N.B - Where it is not possible to respond to a complaint within the stated timescales, the Complainant will be informed in writing of the reason for the delay and given an anticipated response date

**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.



## Formal Complaint

Please complete and return to the school office



Your name:
Your relationship to the pupil:
Contact details:
Please give details of your complaint:
What action, if any, have you already taken to try to resolve your complaint ( who did you speak to and what was their response)?
What actions do you feel might resolve the problem at this stage?
Signature:
Date:
<u>Office use</u>
Date received:
Referred to:

## **POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARASSMENT IN SCHOOLS**

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 Complaints Procedure.

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.

### **Aims of the Policy**

- 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 well-being of students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents
- 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.

### **Parents Expectation of the School**

Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to:

- Be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students 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 procedure, other policies and practice and in line with guidance and advice from the Local Authority
- Keep complainants informed of progress towards a resolution of the issues raised

### **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 aggression, verbal abuse and/or violence
  - d) recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond

- e) recognise that resolving a specific problem can sometimes take some time
- f) (In the case of a complaint) follow the School's Complaints Procedure

### **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.

### **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 behavior 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 refer to Joint Local Authority-Police Guidance for Schools, 'Dealing with Abuse, Threats and Violence Towards School Staff', and 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 Area Education Manager
  - 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.
  - Review

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