

Kings Furlong Junior School Complaints Policy



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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

3 Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher/special educational needs co-ordinator (SENCO)/ Head teacher; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5. Stages of complaint (not complaints against the headteacher or a governor)

Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

- Parents discuss concerns with the class teacher
- If the teacher is unable to deal immediately with the matter, a clear note is made, including complainant's name, phone number and date, and the parent is contacted as soon as the matter has been investigated. The teacher may also consult the Head teacher at this stage.
- The teacher to make sure the parent is clear what action or monitoring of the situation has been agreed.
- If no satisfactory solution has been found, parents are asked if they wish their concern to be considered further.

Stage 2: formal

Inform the headteacher in writing

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

- The Head teacher acknowledges the complaint, orally or in writing, within 3 working days
- A meeting is arranged with the complainant to clarify and supplement any information given.
- The Head teacher investigates further, interviewing witnesses as appropriate. If the complaint centres on a pupil, the pupil would normally be interviewed with a parent present or, if this is not possible, with a member of staff who is not directly involved.
- The Head teacher keeps written records of meetings, telephone conversations and other documentation.
- Once all relevant facts have been established, the Head teacher responds. If the complaint was in writing, a written response will be sent.
- If the complainant is not satisfied, they are advised to write to the governing body
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If the complaint is against the Head teacher, the Stage 2 procedures are carried out by the Chair of the Governing Body.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

Stage 3: Review by the Governing Body

This letter should be sent to the Clerk (via the school office – adminoffice@kingsfurlong-jun.hants.sch.uk) within **five** school days and should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

- The Clerk acknowledges receipt of the written complaint, informing the complainant that the complaint is to be heard by a Committee of three members of the School's Governing Body within 20 working days.
- Governors reserve the right to refer complainants back to an earlier stage of the procedure. The complaints panel will only be convened if the correct procedure has been followed.
- The Clerk arranges to convene a Complaints Panel elected from members of the Governing Body. The members should have no prior involvement with the complaint and they should elect a Chair for the committee. All relevant documentation regarding the complaint should be given to the members of the committee as soon as possible.
- The Chair of the Committee will write and inform all concerned of the date, time and place of the meeting at least 5 working days in advance. The notification to the complainant should also inform

him/her of the right to be accompanied to the meeting by a friend and the right to submit further written evidence.

- It is the responsibility of the Chair of the Committee to make sure the meeting is properly minuted. After the meeting, the Committee will consider the evidence and a written decision will be sent to the Head teacher and the complainant within 15 working days.

Stage 4: Beyond the Governing Body

- If the complainant feels that their concerns have not been dealt with – or if their complaint concerns the governing body – they should be directed to contact the Local Education Office (name and address to be obtained from the school office). Complaints can be taken to the Secretary of State for Education under Education Act 1996 on the grounds that a Governing Body or LEA is acting or proposing to act unreasonably or has failed to discharge its duties under the Act.
- For more information or to refer a complaint, see the following webpage:
<https://www.gov.uk/complain-about-school>

6 Complaints against the Head teacher or a governor

Complaints made against the headteacher should be directed to the chair of governors.

Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance.

7. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time
- A spouse, partner, grandparent or child of the complainant makes a complaint about the same subject

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. The school will refer to the Vexatious Complaint policy for further guidance.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. The school will make sure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

8. Learning lessons

The Governing Body will review any underlying issues raised by complaints with the Head teacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

9. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 8.

The complaints records are logged and managed by the Head teacher

This policy will be reviewed by the Head teacher and Governing Body every year.

10. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Vexatious Complaints policy (Appendix 1)
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Allegations of abuse against staff

APPENDIX 1



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

INTRODUCTION

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. 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 well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

1. AIMS OF POLICY

1.1 The aims of this policy are to:

- 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 children, staff and everyone else who has legitimate interest in the work of the school, including governors and parents
- deal fairly, honestly, openly and transparently 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' EXPECTATIONS OF THE SCHOOL

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

- regularly communicate to parents/carers in writing
 - how and when problems can be raised with the school

- the existence of the school's complaints procedure, and
- the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- 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 procedure, other policies and practice and in line with advice from the Local Authority (LA) keep complainants informed of progress towards a resolution of the issues raised.

3. THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

3.1 The school can expect parents/carers/members of the public who wish to raise problems with the school to:

- treat all school staff with courtesy and respect
- respect the needs and well-being of pupils and staff in the school
- avoid any use, or threatened use, of violence to people or property
- avoid any aggression or verbal abuse
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond
- recognise that resolving a specific problem can sometimes take some time
- (in the case of a complaint) follow the School's Complaints Procedure.

4. WHO IS A PERSISTENT COMPLAINANT?

4.1 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:

- refusing to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refusing to co-operate with the complaints investigation process
- refusing to accept that certain issues are not within the scope of the complaints procedure
- insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introducing trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- making unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changing 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)
- refusing to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeking an unrealistic outcome
- making excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- using threats to intimidate
- using abusive, offensive or discriminatory language or violence

- knowingly provides falsified information
- publishing unacceptable information on social media or other public forums.

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

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) 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, well-being and health.

5. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

5.1 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.

5.2 This will be confirmed in writing (Model Letter 1).

5.3 If the behaviour is not modified there will be a joint decision between the Chair of Governors/ Vice Chair and the Head Teacher as to the actions (some or all of the following as necessary) to be taken 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 (see Model Letter 2)
- 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 (see Model Letter 2)
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only (see Model Letter 2)
- (in the case of physical, or verbal aggression) take advice from LA HR / Legal Services (services purchased by the Governing Body) and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban
 - consider taking advice from the LA on pursuing a case under Anti-Harassment legislation
- consider taking advice from the HR / Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the head teacher 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 vexatious and then advise the head teacher accordingly.

5.4 Thus, based on 5.3 legitimate new complaints may 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. However, the school will be advised by HR / Legal Services.

5.5 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 HR/Legal Services.

6 REVIEW

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

MODEL LETTER 1:

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

RECORDED DELIVERY

Dear

This letter is to inform you that the school considers your actions in *[describe actions, dates, behaviour]* on when you to be unreasonable/unacceptable *[delete as appropriate]*.

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers *[delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls]*.

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure. At the moment we are dealing with these issues by *[describe actions being taken to resolve concern]*.

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the School's Complaints Procedure;
- avoiding physical and verbal aggression at all times.

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the school; ☐ considering a ban from the school premises;
- considering legal action.

I would ask that you allow school time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

Headteacher

MODEL LETTER 2:

INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/ HARASSMENT

RECORDED DELIVERY

Dear

You will recall that I wrote to you on *[insert date]* telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on *[date]*, when you *[describe actions/behaviour]* it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply from the date of this letter.

In the circumstances I have made the following arrangements for your future contact with the school:

*[*Delete A or B as applicable]*

*A For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to at the school address; email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the school will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

*B For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by representing the school. I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to at the school address; email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving *[insert name of pupil]* – in which case you should contact the school in the usual way.

While these arrangements are in place, with respect to normal access to information available on parents' evenings, this will be provided in a summary written report.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the school by *[state ten working days from the date of the letter]*. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case. I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher