



Flamborough CE (VC) Primary School- Complaints Procedure

Date Policy Becomes Effective: September 2022

Review Date: September 2024

Person Responsible for Implementation and Monitoring: Head teacher

Rationale

From 1st September 2003 Governing Bodies of all maintained schools in England are required, under section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised. Our Complaints Policy runs in conjunction with the following guidance from the East Riding of Yorkshire Council:

The Local Authority School Complaints Procedure 2007

Scope

All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters which are subject to separate procedures, e.g. admissions, exclusion etc.

Definition of a complaint

A concern may be defined as an expression of worry or doubt over an issue considered to be important for which reassurance is sought. A complaint may be generally defined as an expression of dissatisfaction however made, about actions or a lack of action.

Exceptions to the complaints policy

Some complaints fall outside the school's complaints procedure eg staff grievances, conflict between estranged parents over the application of parental responsibility and the use of school premises.

Timelines

Complaints need to be considered and resolved as quickly and efficiently as possible:

- Set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, set new time limits, send the complainant details of a new deadline and give an explanation for the delay);
- Understand that the department does not consider excessive time limits to be reasonable or acceptable, except in extenuating circumstances;
- Expect complaints to be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint);

Stages of the Procedure

Part A

Complaining about the actions of a member of staff other than the Head Teacher.

1) Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be



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resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. (In the case of serious concerns, it may be appropriate to address them directly to the Head Teacher) An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. (Any dispute in relation to the “reasonableness” may be determined through the review process)

Headteacher or other designated member of staff on behalf of the head teacher [in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same].

2) Formal Stage

If the complaint is not resolved at the informal stage, the complainant must put the complaint in writing and pass it to the Head Teacher, who will be responsible for its investigation. (A model complaint form is included within this policy).

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher will collect such other evidence as he/she deems necessary.

Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish. A copy of the notes made will be provided to the interviewee.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full and appropriate procedures may be being followed, which are strictly confidential
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential
- The complainant will be told that consideration of their complaint by the Head Teacher is now concluded.
- If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.
- If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Alternatively, the complainant may be referred back to the informal stage of the procedure. If the complainant is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

It may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

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Part B Complaining about the actions of the Head Teacher

1) Informal stage

The complainant is usually expected to arrange to speak directly with the Head Teacher. (In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body). Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved and if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage

If the complaint is not resolved at the informal stage, the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc... In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant **will not be informed** of any disciplinary/capability action. The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair and include a statement specifying any perceived failures.

Recording Complaints

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point; schools should record the progress of the complaint and the final outcome. The Head Teacher or complaints co-ordinator should be responsible for these records and hold them centrally.



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- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Part C Review Process

Any review of the process followed by the Head Teacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant. The panel will then invite the Head Teacher or the Chair, as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed. The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation (where this is practicable).

Notes

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors.

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Local Authority, who may seek to try and resolve a disagreement between the complainant and the school prior to matters being referred to the Secretary of State for Education and Skills which is the last recourse.

Serial and Persistent Complainants

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

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When to stop responding

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and they are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent. Schools must provide parents with the information.

Definitions of unreasonable complaints

Flamborough 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. However, 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.

Flamborough School defines unreasonable complainants 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 adopted 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 complaints 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)



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- refuses 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
- 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 or 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 Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Flamborough 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 the school.



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Flamborough CE (VC) Primary School Complaints form

Please complete this form and return it to head teacher / Clerk to Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Name.....

Relationship with school [e.g. parent of a pupil on the school’s roll]:

Pupil’s name [if relevant to your complaint]:.....

Your Address:

Daytime telephone number:.....

Evening telephone number:.....

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

School Use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: