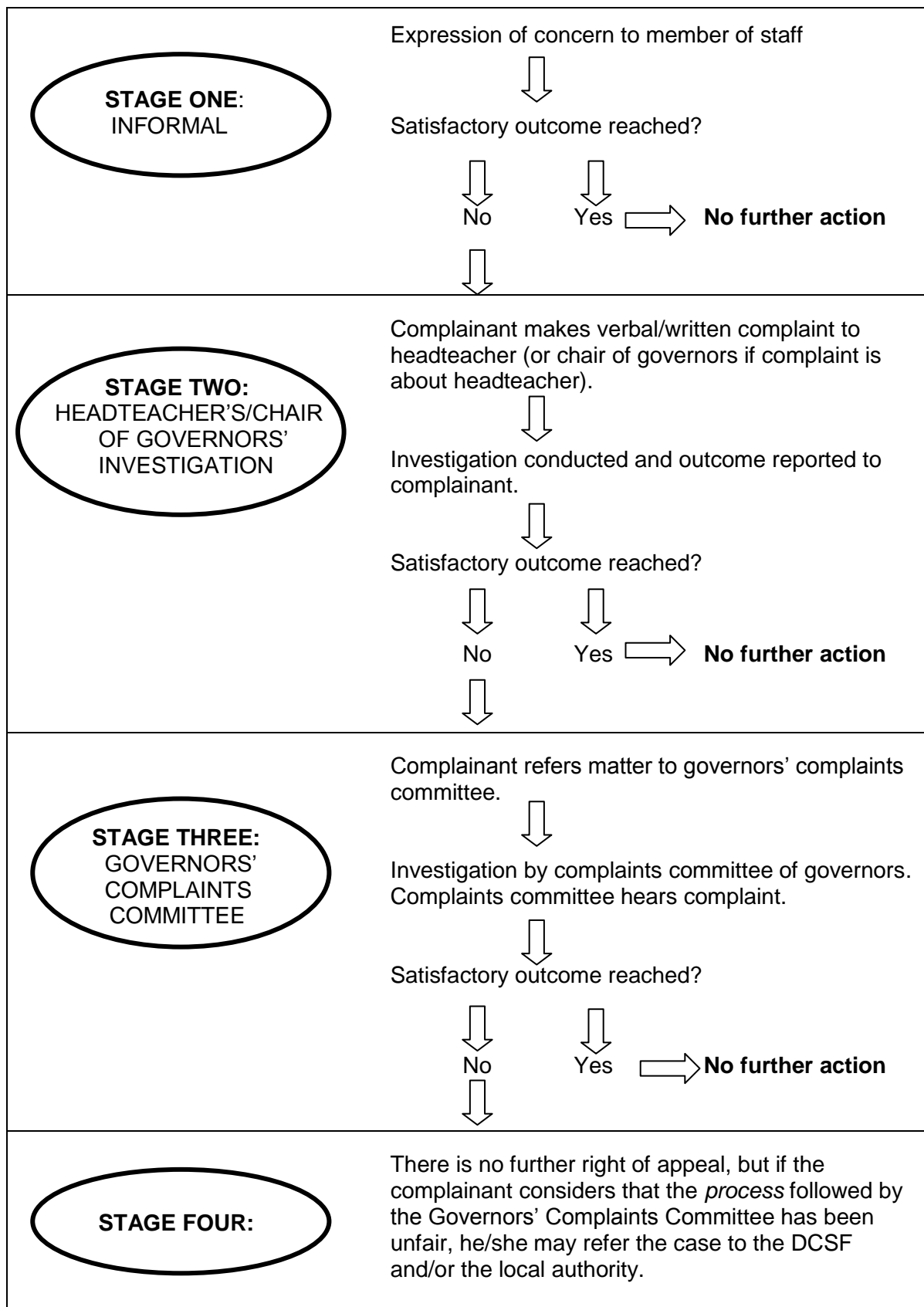




**Newton Hill Community School**  
**Complaints Procedures**

# PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS



# COMPLAINTS PROCEDURE

## Introduction

We believe that our school provides a good education for all our children, and that the headteacher and other staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place established by the Governing Body in case there are complaints by parents. The following policy sets out the procedure that the school follows in such cases. The procedures are publicised to parents and others.

Complaints that are subject to separate statutory procedures instead of the general complaints procedure:

Delivery of the national curriculum, religious education or collective worship	Governors agreed complaints procedure applies but complainant has further right of appeal to LA
Complaint by member of school staff	School grievance procedure
Pupil exclusion	Right to make representations about fixed term exclusions to Governors' Pupil Discipline Committee. Right of appeal to independent panel for permanent exclusion
Admission to school	LA policy on school admissions with right of appeal to independent panel if admission refused
Child protection	LA child protection procedures apply – contact Lead Officer for Child Protection
Statements of Special Educational Needs	LA statutory assessment procedures apply if parent requests a statement. Right of appeal to independent SEN Tribunal

## General Principles

- The aim of these guidelines is to balance the rights and responsibilities of pupils, parents and school staff and to recognise that responsibilities rest with each of these.
- Any complaint raised needs to be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be impartially investigated.
- The complaints procedure should be easily accessible and well publicised.
- Complaints should be dealt with as quickly as possible, consistent with fairness to all.
- Dates and times of conversations should always be recorded and made available to investigators as necessary
- A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in dealing with any investigation into a complaint.
- Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, the governing body conclude that disciplinary procedures should be initiated, they will consider this as a separate action, as there is an entirely separate procedure for schools to follow in terms of dealing with staff disciplinary matters.
- Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents must feel confident a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else can substantiate the complaint. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully.
- All staff and governors should have the opportunity to take part in training to raise awareness of the school's procedures and to develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to allow any lessons to be learned by the school.
- Further guidance on dealing with complaints can be provided by the Complaints and Representations Service for Family Services.

# **1. The First Stage – dealing with informal complaints and concerns**

## **1.1 Guidelines**

- 1.1.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or the headteacher, depending on whom the complainant first contacts. Where parents approach a governor at this stage, the governor needs to refer the parent to the member of staff most likely to be able to help.
- 1.1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

## **1.2 Procedure – Stage 1**

- 1.2.1 Parents/carers need to be given an opportunity to discuss their concerns with the appropriate member of staff who can clarify the nature of their concern and reassure them that the school wants to hear about it. The member of staff may explain to the parent/carer how the situation arose. It may also be helpful at this point to identify what sort of outcome the parent/carer is looking for.
- 1.2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases this will lead to immediate resolution of the issue.
- 1.2.3 If the member of staff first contacted cannot deal immediately with the matter, or if s/he needs to refer the matter to someone else, s/he will need to make a clear note of the date, name and contact address/phone number of the complainant. In either case the member of staff should subsequently ensure that appropriate action is taken to deal with the matter speedily.
- 1.2.4 Where the concern relates to the specific actions of the headteacher, the parent should be given the opportunity to meet with the headteacher to resolve the problem. In some circumstances the complainant may prefer to contact the chair of governors; this should be respected.
- 1.2.5 The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything). This should be put in writing only if it seems the best way of making the outcome clear.

- 1.2.6 Where no satisfactory solution has been found within 10 school working days, the complainant should be asked if they wish their concern to be considered further. If so, they should be advised about how to proceed with their complaint and about any independent advice available to them.

## **2. The Second Stage – Formal consideration by the Head teacher (or other appropriate person)**

### **2.1 Guidelines**

- 2.1.1 It should by now have become clear that the concern is a definite complaint. In some cases the headteacher will already have been involved in looking at the matter. In others, it will be his/her first involvement. In either case, it will be helpful for the headteacher (or member of staff designated to investigate the complaint) to adhere to these guidelines to ensure consistency amongst cases and to make sure that nothing happens at this stage, which could make it difficult for the later stages to proceed smoothly.
- 2.1.2 As headteachers have responsibility for the day to day running of their schools, they have responsibility for the implementation of the complaints procedure, including decisions about their own involvement at the various stages. One of the reasons for having the various stages in a complaints procedure is to reassure the complainant that more than one person is hearing their complaint.
- 2.1.3 Headteachers will need to make arrangements to ensure that their involvement does not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the headteacher deals with contact with complaints at Stage 2. Even at this stage the headteacher may designate another member of staff to collect some of the information from the various parties involved. If the headteacher has been extensively involved at stage one it may be more appropriate for the chair of governors to manage the stage two proceedings.

### **2.2 Procedure**

- 2.2.1 Stage two complaints should be in writing unless the complainant is unable to express the complaint in written form (advice and support is available from the LA's Equalities and SEN teams as appropriate).
- 2.2.2 The complainant's letter should be acknowledged in writing within three working days of receiving the stage two complaint. The

acknowledgement will give a brief explanation of the school's complaint procedure and a target date for providing a response to the complaint. This will normally be within 10 school days. Where this is not possible, a letter needs to be sent to the complainant explaining the reasons for the delay and giving a revised target date.

- 2.2.3 It should be possible even at this stage to reach an agreed solution to the problem. It needs to be considered that the aim is to progress the matter for the good of the child, their parents/carers and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved.
- 2.2.4 The headteacher (or designated member of staff) will need to provide an opportunity for the complainant to meet with him/her to supplement any of the information provided previously at the informal stage. It will need to be made clear to the complainant that they can, if they wish, be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. The school should also provide interpreting facilities if they are required. It is also recommended that the headteacher meet the complainant with another member of staff present to record the proceedings.
- 2.2.5 Where required, the headteacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. It is good practice that when pupils are interviewed in a formal situation, the children's parents are invited to be present. If this is not possible then a member of staff who is known and trusted by the pupil should be invited to attend.
- 2.2.6 Once all relevant facts have been established, the headteacher will then produce a written response to the complainant and he/she may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint.
- 2.2.7 Where the complaint at stage two is against the headteacher, arrangements should be made for the proceedings under this stage to be conducted by a single governor (usually the chair of governors or vice-chair of governors).

### **3. The Third Stage – Consideration by a Committee of the Governing Body**

#### **3.1 Guidelines**

- 3.1.1 Complaints only rarely reach this stage, but it is important that governing bodies are prepared to deal with them when necessary. At this stage schools would normally seek advice from the LA and/or the appropriate Diocese.
- 3.1.2 It is important that this appeal should not only be independent and impartial, but that it is seen to be so. As such, only governors who have had no prior knowledge or involvement in the case should deal with the appeal. Therefore, appeals should not be considered by the full governing body but by a committee established to deal with complaints.
- 3.1.3 It is important that individual governors do not become embroiled in complaints at an earlier stage because of potential prejudice. If governors are approached about a complaint they should not respond but should refer the complainant to the complaints procedure and/or the appropriate member of school staff.
- 3.1.4 As this may be the last chance for a solution or compromise to be reached, every effort should be made to reach agreement through conciliation or mediation. Help and advice from the LA may be particularly helpful at this stage. Parents/carers are also encouraged to seek advice at this stage if they have not previously done so.
- 3.1.5 Complaint appeals should normally be in written format. In only exceptional circumstances (see para 2.2.1 above) should a school consider progressing an oral appeal. The appeal should outline clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.
- 3.1.6 All complaints that reach this stage will have done so because the complainant has not been satisfied by the headteacher's response at stage 2 or the original investigation by the chair of governors or vice-chair of governors, where the complaint had been about the headteacher. It is important that the governors' committee views the complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.



## **3.2 Procedures**

3.2.1 Following receipt of a stage three appeal the procedures outlined below will need to be followed:

- (i) The clerk to the Complaints Committee will write to the complainant to acknowledge receipt of the written request within five school days. The acknowledgement will inform the complainant that the complaint will be considered by the governing body complaints committee, within 20 school days of receiving the request.
- (ii) The letter will also explain that the complainant and the head teacher have the right to submit any further documents relevant to the complaint. Both parties should send further documentation to the clerk at least eight school days before the meeting. All concerned, including the complainant, should receive any relevant documents at least five school days prior to the meeting. The notification to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting would be conducted.
- (iii) The clerk to the complaints committee will convene the meeting of the governors' complaints committee. In establishing the committee, the governing body is recommended to nominate a pool of five governors from which three can be drawn for the hearing. This will ensure that there are always sufficient governors with no prior knowledge of the case, or potential conflict of interest, to hear the complaint. The committee should elect a chair for the hearing. The headteacher or other member of staff should not be a member of the complaints committee. Governing bodies should have regard to the need for ethnic, gender or other mix of members as appropriate.
- (iv) The committee may invite members of staff and other witnesses directly involved in matters raised by the complainant to produce a written report, or to attend the meeting.
- (v) It is the responsibility of the chair of the committee to ensure that the meeting is properly minuted.
- (vi) An officer from Family Services may attend the meeting to advise the committee.

A model procedure for conduct of the meeting is attached as Appendix 1.

3.2.2 The aim of the meeting will be to resolve the complaint and achieve reconciliation between school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts

and make recommendations as to future action that will satisfy the complainant that his or her complaint has been taken seriously.

- 3.2.3 The committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the committee. It is therefore recommended that the chair of the complaints committee ensures that the proceedings are as informal as the situation allows.
- 3.2.4 At the conclusion of the meeting the chair should explain that the committee will consider its decision and write to both parties with the outcome within 15 school days.
- 3.2.5 The headteacher, the complainant and any witnesses should then withdraw to allow the committee to reach its decision. This should cover:
  - (a) findings on the substantive complaint;
  - (b) any appropriate action to be taken by the school or the complainant;
  - (c) where appropriate, any suggested changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.2.6 A report and any recommendations should be reported to the school's governing body at the next full meeting.
- 3.2.7 A written statement outlining the decision of the committee must be sent to the complainant, headteacher and the Complaints and Representations Manager for Family Services. If any disciplinary action is to be taken against a member of staff then, to protect his/her rights, only the phrase "**appropriate action has or will be taken**" should be used.
- 3.2.8 The governors will need to ensure that a copy of all correspondence is kept on file in the governors' records. These records should be kept separately from the pupil's personal records.
- 3.2.9 It is good practice that the headteacher reports termly to governors on compliments and complaints received together with the outcome of each.

## 4. Further action

- 4.1 Except in the circumstances outlined in the Introduction there is no further right of appeal for complainants.
- 4.2 Complaints may be made to the Secretary of State for Education and Skills on the grounds that a governing body is acting or proposing to act unreasonably, or that the governing body or LA has failed to discharge its duties under legislation. Complaints of this nature rarely succeed, however, providing that all procedures have been followed correctly. The Secretary of State will not consider a complaint unless all local procedures have been exhausted. Where complaints are made the Secretary of State may contact the governing body or the LEA for more information.

## 5. Unreasonably persistent complainants

- 5.1 The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:
- treat all school staff with courtesy and respect;
  - respect the needs of pupils and staff within the school;
  - avoid the use of violence (including threats of violence) towards people and property;
  - recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
  - recognise that resolving a specific problem can sometimes take some time;
  - follow the school's complaints procedures.
- 5.2 However, a small number of complainants may be deemed "**unreasonably persistent complainants**". This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:
- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or

- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing meritorious complaints in an unreasonable manner.

5.3 A model procedure for identifying and responding to such complainants is attached as Appendix Two.

## **Appendix 1**

### **A Model Procedure for the Conduct of a Complaint Hearing at Stage Three**

1. The chair of the committee should invite everybody into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the meeting is to review the complaint, resolve any differences and achieve a reconciliation between the school and the complainant.
3. The chair should then outline the proposed procedure for the meeting. S/he should listen to any concerns about the procedure but has the final decision about the arrangements:
  - (a) The complainant will outline the complaint and may call witnesses.
  - (b) The headteacher will be given the opportunity to seek clarification from the complainant and/or witnesses.
  - (c) The committee (including the representative of the Corporate Director [Family Services]) may seek clarification from the complainant and/or witnesses.
  - (d) The headteacher will be given the opportunity to respond and call witnesses.
  - (e) The complainant will be given the opportunity to seek clarification from the head teacher and/or witnesses.
  - (f) The committee (including the representative of the Corporate Director [Family Services]) may seek clarification from the complainant and/or witnesses.
  - (g) The complainant will be given the opportunity to sum up.
  - (h) The headteacher will be given the opportunity to sum up.
  - (i) Both parties will then leave the room to allow the committee to deliberate. The representative of the Corporate Director [Family Services] may remain to offer technical and/or procedural advice.
4. The committee will then arrive at its decision. This will cover:
  - (a) Findings on the complaint.
  - (b) Appropriate action to be taken by the school.

(c) Any recommended changes to the school's systems or procedures.

5. The decision will be notified to all parties, in writing, within 15 school days.

## Appendix 2

### Procedure for Dealing with Unreasonably Persistent Complainants

#### Introduction

1. The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:
  - treat all school staff with courtesy and respect;
  - respect the needs of pupils and staff within the school;
  - avoid the use of violence (including threats of violence) towards people and property;
  - recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
  - recognise that resolving a specific problem can sometimes take some time;
  - follow the school's complaints procedures.
2. However, this appendix to the Model Complaints Procedure for Schools deals with **complainants that are unreasonably persistent**.

#### Definitions

3. For the purposes of this appendix, an “**unreasonably persistent complainant**” is defined as follows:

*An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the school and whose behaviour is unreasonable. Such behaviour may be characterised by:*

- *actions which are obsessive, persistent, harassing, prolific, repetitious; and/or*
- *prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or*
- *an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or*

- *an insistence upon pursuing meritorious complaints in an unreasonable manner.*
4. For the purposes of this appendix, **"harassment"** is defined as follows:
- Harassment is the unreasonable pursuit of the actions listed above in (3) 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 aggressively."*

**Deciding whether a complainant should be deemed an unreasonably persistent complainant**

5. Only the Headteacher, with the agreement of the Chair of Governors, may deem a complainant an unreasonably persistent complainant.
6. The Headteacher will ensure that there is sufficient evidence available to justify the decision. He/she will consult the Authority's Legal Services to confirm that the evidence is sufficient.

**Action to be taken where a complainant is deemed an "unreasonably persistent complainant"**

7. The Headteacher will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
8. Some or all of the following actions may be taken, depending on the particular circumstances of the case:
  - insisting that no member of staff should meet the complainant on his/her own;
  - restricting telephone calls from the complainant to specified days and times;
  - requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the school address;



- merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
  - after consulting the Authority's Legal Services, banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Head teacher.
9. However, all correspondence from the complainant will be considered and any new **and** substantive issues will be addressed and a reply sent to the complainant.
  10. New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits.