



**North Leamington  
School**

**Complaints Policy**

**November 2016**

## **Procedure for dealing with complaints – North Leamington School**

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 this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

The school operates a 4 stage complaints procedure for parents. If the complaint concerns the conduct of the Headteacher it will be dealt with in accordance with Stage 3 and directed to the chair of governors.

For complaints or concerns for persons other than parents of registered pupils at the school, the amended procedure in Annex 1 will apply.

The staff and governors at the school will treat all complaints seriously and take appropriate action to try and resolve these complaints or concerns. On occasions this is not possible. Where a person continues to raise complaints or concerns despite the school having attempted to resolve the matter, the vexatious or unreasonable conduct procedure will be applied as set out in Annex 2.

### **Stage 1: Initial Concern or Complaint**

In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Headteacher, who may refer it to another member of staff to investigate.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Headteacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally 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 process.

The complainant will receive a verbal or written response to the concern or complaint raised from the member of staff involved within 5 school days.

### **Stage 2: Complaint heard by the Headteacher**

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the Headteacher, within 10 school days of Stage 1 being concluded.

If the complaint was dealt with by the Headteacher at stage 1 then the complainant should submit a formal complaint to the chair of Governors within 10 school days of receiving the outcome from stage 1

The Headteacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken. The Headteacher may meet with the complainant and hear the complaint. The headteacher will investigate and make every effort to resolve the issue. Following the investigation, the Headteacher will write to the complainant summarising the outcome reached and the process for appeal.

The complainants will be informed of the outcome of the investigation within 10 school days of the meeting with the Headteacher or conclusion of the investigation, whichever is the later.

### **Stage 3: Complaint heard by the chair of governors**

If the complaint cannot be resolved at Stage 2 the complainant may take their complaint to the chair of governors.

The complainant will need to write to the chair of governors, care of the school, within 10 school days of the date of the letter notifying them of the outcome of Stage 2. The complainant should provide a copy of the written complaint, a copy of the Headteacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

As part of the investigation, the chair may meet with the complainant and Headteacher to order to try and resolve the issue. The chair will write to the complainant at the conclusion of his/her investigation with the outcome reached and the process for appeal. The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

Complainants will be informed of the outcome of the investigation within 10 school days of the meeting with the Chair of Governors or conclusion of the investigation, whichever event is the later.

### **Stage 4: Complaint heard by the governing body Complaints Appeal Panel**

The complainant needs to write to the chair of governors within 10 school days of the date of the letter notifying them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the complaints appeal panel. The chair, or a nominated governor, will convene a governing body complaints appeal panel.

The governors' appeal panel hearing is the last school based stage of the complaints process and is not convened to merely rubber stamp previous decisions. Individual complaints will not be heard by the whole governing body 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 governing body will nominate 3 people to have delegated powers to hear the complaint at this stage. Two of the panel members will be governors and the third will be a person who is independent from the management and operation of the school. All panel members will have no previous knowledge of the complaint. The panel will choose their own chair.

The remit of the Complaints Appeal Panel is to:

- 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.

The Complainant (and their representative) will be invited to attend a meeting of the panel.

The meeting will take place within 20 school days of receipt of the complaint. If no dates within this timescale are convenient to the complainant, the panel may meet outside this period.

The complainant will be notified in writing of the panel's decision, usually within 5 school days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal. The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

If the complainant remains dissatisfied, they may contact the Education Funding Agency in accordance with the procedure set out in:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/321851/Complain\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/321851/Complain_about_an_academy.pdf)

### **General and Monitoring**

All complaints and correspondence/hearings under the complaints policy are treated as confidential and will only be disclosed when required to do so by law.

The governing body will review on an annual basis the operation of the complaints policy, the number of complaints received (both informal and formal) and the stage at which these complaints were resolved.

**Please Note** - Timescales refer to 'school days'. These are days when the school is open and staff and pupils are required to attend. If a written complaint is received during a school holiday period or when the school is otherwise closed, the complaint will be acknowledged in writing at the first practicable opportunity and the complaint will be progressed in accordance with this policy within 5 school days from the school re-opens.

## **Annex 1 – complaints by persons other than parents**

The main body of the complaints policy applies solely to complaints made by parents or carers of pupils in the school. The school wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding the school and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of SLT who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.
2. Where a concern is not resolved at stage 1, a formal complaint should be sent to the Headteacher to investigate. The headteacher may delegate the task of investigation and/or responding to the complaint to a member of SLT. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
3. If you are not satisfied with the response at stage 2, you may request a review by writing to the Chair of Governors. You should write to the Chair within 10 school days of receipt of the letter at stage 2. The Chair may consider the complaint alone or may convene a complaint appeal panel on the same terms as set out in the main body of the complaints policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review.

The decision at stage 3 exhausts the school's complaint procedure.

## **Annex 2 – vexatious and/or unreasonable complaints**

1. Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:
  - a. regularly communicate to parents/carers in writing - (i) how and when problems can be raised with the school; (ii) the existence of the school's complaints procedure including the procedures around unreasonable behaviour;
  - b. respond within a reasonable time;
  - c. 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;
  - d. respond with courtesy and respect;
  - e. attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and keep complainants informed of progress towards a resolution of the issues raised.
2. 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 violence to people or property;
  - d. avoid any aggression or verbal abuse;
  - e. recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
  - f. recognise that resolving a specific problem can sometimes take some time;
  - g. (in the case of a complaint) follow the School's Complaints Procedure.
3. 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. uses Freedom of Information requests excessively and unreasonably;
  - d. an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
  - e. an insistence upon pursuing complaints in an unreasonable manner;

- f. an insistence on only dealing with the headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
  - g. 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.
4. For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) 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 behaviour 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:

- 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;
- 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;
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- (in the case of physical, or verbal aggression) take advice from HR / Legal Services and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- consider taking advice on pursuing a case under Anti-Harassment legislation;
- consider 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 headteacher 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 headteacher accordingly.

Please note - 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.

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.