

# Elmsett C. of E. V.C.P. School

## Complaints Procedure

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## Document Control

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## **1. ELMSETT PRIMARY SCHOOL COMPLAINANTS PROCEDURE**

Elmsett Primary School is committed to providing the best education for our young people and 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.

School governing bodies are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints. It is expected that all complaints will be referred to the school in the first instance. 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.

### **2. STEP 1 – A FIRST INFORMAL MEETING**

The complainant should start by telling the class teacher or head of year about their concern/concerns. 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 or head of year 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. It is good practice for the class teacher or head of year to make a brief written record of the concern raised and any actions agreed.

### **3. STEP 2 – A SECOND INFORMAL MEETING**

If the complainant feels dissatisfied with the outcome of discussions with the class teacher or head of year, they should ask for an appointment to meet with the Headteacher or a member of the leadership team or Assistant Headteacher.

The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher so far and any actions arising from the initial meeting. It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly.

However, it may be that the Headteacher or leadership team member will need to look into what has happened since the initial meeting before they can suggest how the complainant's concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact the complainant to let them know the outcome of their enquiries and what actions they have taken/propose to take.

The Headteacher or leadership team member will make a brief written record of the concern discussed and what has been agreed and to write to the complainant summarising this.

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

#### **4. STEP 3 - FORMAL COMPLAINT LETTER TO THE HEADTEACHER**

If the complainant feels that the issue/issues raised has/have 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 (the complainant may use the form available through our link below). 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:

- Inform the governors
- 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 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

Where the complainant is unhappy about the decision the Headteacher has made about the 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.

If the complainant has a concern or complaint that is specifically about the Headteacher and which has not been resolved at the informal stage, then the complainant must write a formal

letter of complaint to the Chair of Governors. The school will provide the complainant with the Chair of Governors' name and the complainant should write to him or her at the school address, marking the envelope 'urgent, private and confidential'.

The Chair of Governors will acknowledge receipt of the letter within 5 school days and contact the Area Officer, Learning and Improvement at the Local Authority for advice.

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 the their child no longer goes to the school.

### **Exclusions to the procedure:**

Curriculum Complaints - Local Authorities are required to have arrangements for considering complaints about the school curriculum and collective worship under the terms of Section 23 of the Education Reform Act 1988. The school will refer the complainant to this procedure where appropriate.

Safeguarding referrals - schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually local authority children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.

Allegations of abuse - allegations of abuse against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. In all cases the Suffolk Safeguarding Children Board Arrangements for Managing Allegations Of Abuse Against People Who Work With Children Or Those Who Are In Positions Of Trust must be followed.

Vexatious complaints: The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed. complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with Vexatious Complaints Policy of this procedure.

## **5. STEP 4: - COMPLAINTS NOT RESOLVED THROUGH THE FORMAL PROCESS**

If the complainant believes that the school has not properly followed its complaints procedure or has not acted fairly or reasonably in responding to the complaint the complainant may refer the matter to the Local Authority. The Local Authority has no legal right or duty to deal with most complaints about schools but will provide advice to the parent/carer and governing body in the event that a complaint which has been considered under the formal procedure remains unresolved or if the complaint is specifically about the Headteacher. The complainant will need to write to the Local Authority giving the details of

their complaint, what action they have already taken to try and resolve their complaint and attaching a copy of the written response from the school.

The Local Authority will contact the complainant to confirm the details of their complaint and seek further information where necessary.

Initial consideration will be given to the circumstances of the complaint and the procedure followed by the school.

The Local Authority will come to a recommendation - either:

- that a thorough investigation has been fairly undertaken by the school and that an appropriate response has been made in accordance with the findings; or
- that the complaint merits further investigation (it will be referred back to the school in this case) .
- The Local Authority will notify the complainant in writing of the recommendation and what will happen next.

On conclusion of Step 4, the complainant may ask for the complainant's complaint to be heard by a committee of the governing body. The Local Authority officer will advise the complainant how this can be arranged.

Finally, if on conclusion of all 4 steps of this procedure the complainant feel that the school's governing body and/or the Local Authority has acted unreasonably the complainant may make a complaint in writing to the Secretary of State for Education. The complainant may contact the Department for Education by writing to:

Department for Education  
Castle View House  
East Lane  
Runcorn  
Cheshire  
WA72GJ  
or by telephoning: 0870 000 2288

## **6. 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.

## **7. 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.

2. Human Rights Inimplementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

3. 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:

- 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/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

4. The School's expectations of parents/Carers/Members of the Public

4.1 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

5. Who is a Persistent Complainant

5.1 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:

- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- 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.

5.2 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.

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

6.1 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.

6.2 This will be confirmed in writing

6.3 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 vthe 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

6.4 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.

6.5 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 the Local Authority.

## 7. Review

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