



**Kents Hill Junior School**  
Academy Status

## KENTS HILL JUNIOR SCHOOL

### Complaints Procedure

*Reviewed September 2016*

#### **Compliments**

These are always welcome and very encouraging to teachers and staff. The school encourages feedback or opinions from pupils and parents. A compliments book is available on request in the front office for these comments to be recorded should you wish to do so.

#### **Concerns**

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioral problems or any other issue.

The school welcomes enquiries from parents about any matter. The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times the staff will help to resolve a problem. If occasionally parents feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints.

In addition to this the head teacher and other senior leaders at the school have an 'open door policy' allowing any member of the school community to drop in at a time convenient to them and speak to someone immediately.

#### **Complaints**

The procedure is again to speak to the child's class teacher in the first instance, or contact the school office to arrange an appointment to discuss your complaint with whoever you wish.

In summary, the nationally accepted procedure is divided into three stages:

**Stage 1** aims to resolve the concern through informal contact at the appropriate level in school.

**Stage 2** is the first formal stage where written complaints are considered by the head teacher or a designated governor, who has responsibility for dealing with complaints

**If the complainant is not satisfied with the outcome of Stage 2 then they can request the complaint is heard in front of the Governors Complaints Appeal Panel.**

**Stage 3** is the next step once Stage 2 is complete. It involves a complaints review panel of governors. The Chair will convene a Complaints Appeal Panel none of whose members have been involved in any of the previous stages of the complaint. One of the panel members must be independent to the management and running of the Academy. The panel will consist of at least three people.

Beyond the governing body, the final recourse for a complainant is to The Secretary of State, contact details are:

The Secretary of State  
Department for Education  
Castle View House  
East Lane  
RUNCORN  
Cheshire WA7 2GJ

Telephone: 0370 000 2288 Fax: 01928 738248 [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)

If you should need to refer to the full procedures, please ask at the school office. All staff are familiar with the guidelines and have a duty to help parents needing advice.

### **Our procedures for dealing with general concerns**

How each of these stages operates is explained below:

#### **Stage 1 – Your initial contact with the school**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's form teacher/tutor. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
2. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
3. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
4. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
5. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

#### **Stage 2 - Formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the headteacher personally, it should be sent to the school marked "For the attention of the Chair of Governors" [*the Designated Governor*].
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.

5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The headteacher, or chair of governors [*designated governor*] may also be accompanied by a suitable person if they wish.
7. Following the meeting, the headteacher or chair of governors [*designated governor*] will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The headteacher or chair of governors [*designated governor*] will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the headteacher's chair of governors' [*designated governor's*] decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If we do not close the complaint after Stage 2, you may wish to proceed to Stage 3, as described below.

### **Stage 3 - Consideration by a complaints review panel**

- If your concern has already been through Stages 1 and 2 and you are not satisfied with the outcome, **you can request that your complaint is heard in front of the Governors Complaints Review Panel by writing to the Chair of Governors and completing the Stage 3 Complaints Form.**

This is a formal process, and your ultimate recourse at school level.

The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.

- The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. **The complaint writes to the Chair of Governors requesting a Governors Complaints Appeal Panel is setup to hear the complaint and completes a Stage 3 Complaints form.**

2. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days**.
3. The clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
4. The headteacher will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
5. The clerk will inform you, the headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
6. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit **further written evidence** to the panel.
7. The letter will explain what will happen at the panel meeting and the clerk will also inform you that **you are entitled to be accompanied** to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
8. With the agreement of the chair of the panel, the headteacher may invite **members of staff** directly involved in matters raised by you to attend the meeting,
9. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to **put you at your ease**.
10. As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
11. The chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
12. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
13. During the meeting, you can expect there to be opportunities for:
  - you to explain your complaint;
  - you to hear the school's response from the headteacher;
  - you to question the headteacher about the complaint;
  - you to be questioned by the headteacher about the complaint;
  - the panel members to be able to question you and the headteacher;

- any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
  - you and the headteacher to make a final statement.
14. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the headteacher and yourself **within two weeks**. All participants other than the panel and the clerk will then leave.
15. The panel will then consider the complaint and all the evidence presented in order to:
- reach a unanimous, or at least a majority, decision on the complaint;
  - ***dismiss the complaint in whole or part;***
  - ***uphold the complaint in whole or part***
  - decide on the appropriate action to be taken to resolve the complaint;
  - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
16. The clerk will send you and the headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the governing body, is available to you.
17. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.
- 18.

### **Vexatious or Unreasonably persistent complainants and unreasonable behaviour**

#### Guidelines

The majority of people with complaints or concerns about schools 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;
- Do not use 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.

However, a small number of complainants may be deemed "**Vexatious or unreasonably persistent complainants**".

#### Definitions:

For the purposes of this policy a "**Vexatious or unreasonably persistent complainant**" is defined as follows:

- A Vexatious or unreasonably persistent complainant is a person who repeatedly 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 behaviours may be characterised where complainants:
  - Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided)
  - Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These should be addressed as separate complaints.
  - Are unwilling to accept documented evidence of action
  - Are unwilling to accept that the Governing Body has reached a final decision on a chosen course of action
  - Deny receiving an adequate response in spite of correspondence specifically answering their questions
  - Persist in pursuing a matter when they have already exhausted other statutory routes
  - Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns
  - Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing Body to investigate
  - Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgements must be used in applying this criteria
  - Have in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case
  - Have threatened or used physical violence towards staff at any time. This will in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place.
  - Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.
  - Are known to have recorded meetings or telephone conversations or circulated such recordings to third parties without the prior knowledge and consent of other parties involved
  - Make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice
  - Misuse of social networking web sites in relation to the complaint

## **Vexatious or Unreasonably persistent complainants and unreasonable behaviour:**

### **Procedure**

If at the end of the three stages the complainant continues to be unsatisfied with the outcome and has demonstrated any of the above criteria then the following procedure will be implemented.

Where complainants have been identified by the Headteacher and or Chair of Governors as vexatious or persistent and/or unreasonable within the scope of the original complaint, taking account of the above criteria, the Headteacher and Chair of Governors (or if unavailable the Vice Chair of Governors) will determine what action to take. The Clerk will implement such action and will notify complainants, in writing, of the reasons why they have been classified as vexatious or persistent and/or unreasonable and what action will be taken. They will also be notified of the review procedure.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. staff, Members of Parliament,. A record must be kept, for future reference, of the reasons why a complainant has been classified as persistent and/or unreasonable.

It may be decided to deal with complainants in one or more of the following ways:

Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.

To restrict contact to liaison through a designated member of staff.

Notify the complainant in writing that the Governing Body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.

Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing Body shall not, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

### **Review Decisions and Withdrawing ‘vexatious or persistent and/ or unreasonable’ status**

Once a complainant has been determined, as persistent and/or unreasonable, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

The Governors Complaint Appeal Panel should review the decisions to categorise a complainant as persistent and/or unreasonable every six months. This is a clerked meeting and the outcome shared with the complainant.

The panel on review may either withdraw the categorisation of a person as persistent and/or unreasonable or amend the strategy being applied to that person.

If the panel considers it appropriate to withdraw the status of persistent and/or unreasonable, normal contact with the complainant and application of the school's complaints procedure will be resumed. The complainant will be given notice of this decision as soon as practicable.

Copies of all decisions relating to the categorisation of a person as persistent and/or unreasonable will be sent to the clerk who will hold and maintain a central register of such decisions.

### **Monitoring Arrangements**

Incidents will be presented at the next scheduled meeting of the Governing body with details of the number of complainants, if any, who are categorised as persistent and/or unreasonable in the Headteacher's Report to Governors.

### **General**

Nothing in this policy affects an individual's statutory rights.

### **Other sources of information and advice**

If your concern is about an aspect of **special needs provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to our **Parent Partnership** team on their helpline: **01245 436036**.