



## **DALE HALL PRIMARY SCHOOL GENERAL COMPLAINTS PROCEDURE POLICY**

### **1. Introduction**

All schools in Suffolk are 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.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

If governors are approached regarding a complaint, they should be mindful not to act in an individual complaint outside the formal procedure or become involved or have discussions with other governors at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up to consider further action in the event that a serious complaint is substantiated.

The Governing Body has written this policy in accordance with the LA School Complaints Procedures 2014.

This policy was adopted by the Learning and Development Committee meeting held on **11 June 2019** and will be reviewed biennially, and at any other time as may be necessary.

### **2. Procedures**

#### **STEP 1A: Informal – Class Teacher**

Please start by telling the class teacher about your concern. This is usually the best and quickest way of resolving issues.

- it is recommended that you make an appointment to speak to the class teacher 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
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- it is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away
- the purpose of this 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 to make a brief written record of the concern raised and any actions agreed

### **STEP 1B: Informal – Phase Manager**

If you feel dissatisfied with the outcome of discussions with the class teacher, or if your complaint is about the class teacher, please ask for an appointment to meet with the Phase Manager.

- it is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away
- the purpose of this 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 Phase Manager to make a brief written record of the concern raised and any actions agreed

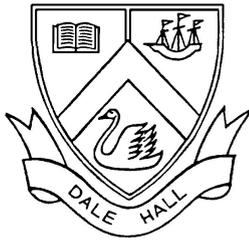
### **STEP 2: Informal escalation – nominated member of staff**

If you feel dissatisfied with the outcome of discussions with the Phase Manager, or if your complaint is about the Phase Manager, please ask for an appointment to meet with the nominated member of staff with responsibility for the operation and management of the school complaints procedure. This will be the Headteacher or Deputy Headteacher when deputising for the Headteacher.

- the purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher and Phase Manager 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 nominated staff member will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.
- it is good practice for the nominated staff member to make a brief written record of the concern discussed and what has been agreed and to write to parents summarising this.

**It is hoped that most problems will have been resolved at this stage.**

**Concerns or complaints specifically about the nominated member of staff**



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Where you are unhappy about the decision the nominated member of staff has made about your complaint, this does not become a complaint about the nominated member of staff. If you feel that the complaint has not been resolved you should move to Step 3 of the procedure.

If you have a concern or complaint that is specifically about the nominated member of staff and which has not been resolved at the informal stage, then you must write a formal letter of complaint to the Chair of Governors. The school will provide you with the Chair of Governors' name and you should write to him or her at the school address, marking the envelope 'urgent, private and confidential'.

- the Chair of Governors should acknowledge receipt of the letter within 5 school days and may, if appropriate, contact the Area Officer, Learning and Improvement at the Local Authority for advice.
- for complaints specifically about the Headteacher the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator, and for the process set out in Step 3 to be followed

### **STEP 3: Formal - letter of complaint to Chair of Governors**

If you feel that the issue you have raised has not been resolved through the earlier processes and you wish to pursue it further you may raise it through the formal procedure. To do this you must write a formal letter of complaint to the Chair of Governors. Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you 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 Chair of Governors will consider the complaint and in doing so should:
  - establish what has happened so far and who has been involved
  - clarify the nature of the complaint and what remains unresolved
  - meet or contact you if they need further information
  - clarify what you feel would put things right if this has not been set out in your 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 Chair of Governors 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



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- an admission that the situation could have been handled differently or better (nb this is not an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

- the Chair of Governors will discuss the outcome of their consideration of your complaint with you and should send a detailed written response within 20 school days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

### **Concerns or complaints specifically about the Chair of Governor or any individual governor**

A complaint that is specifically about the conduct of an individual governor, and which has not been resolved at this stage, should be made by writing to the Chair of Governors.

A complaint about the conduct of the Chair of Governors, and which has not been resolved at this stage, should be made in writing to the Assistant Director of Education and Learning, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX.

### **STEP 4: Appeal Process**

Having had your complaint heard under step three of this policy by the Chair of Governors, if you wish to pursue this further, you are entitled to have the outcome reviewed by a panel of governors who will review the investigation, findings and conclusions of the Chair of Governors and consider why you feel that the complaint should be further reviewed. See appendix 1 for further details.

The Chair of the panel of Governors will discuss the outcome of their review with you and will send a detailed written response within 20 days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Any conclusions made by the panel of governors will be seen as full and final and the school will consider the matter closed.

### **Limitations, time-limits and vexatious complaints**

#### **Limitations within the policy:**

#### **Time limits:**

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



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As such, complaints made under this procedure will ordinarily be rejected if they are not brought within 12 months, unless there are exceptional circumstances. (Exceptional circumstances will be determined by the Headteacher/Chair of Governors on a case by case basis, and advice may be sought from the Local Authority in this regard).

### **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, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the safeguarding policy.

### **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 Appendix 2 of this procedure.

### **Local Authority**

The Local Authority has no legal right or duty to deal with most complaints about schools.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed all stages.



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The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by a school. They will consider whether the School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate

Store Street

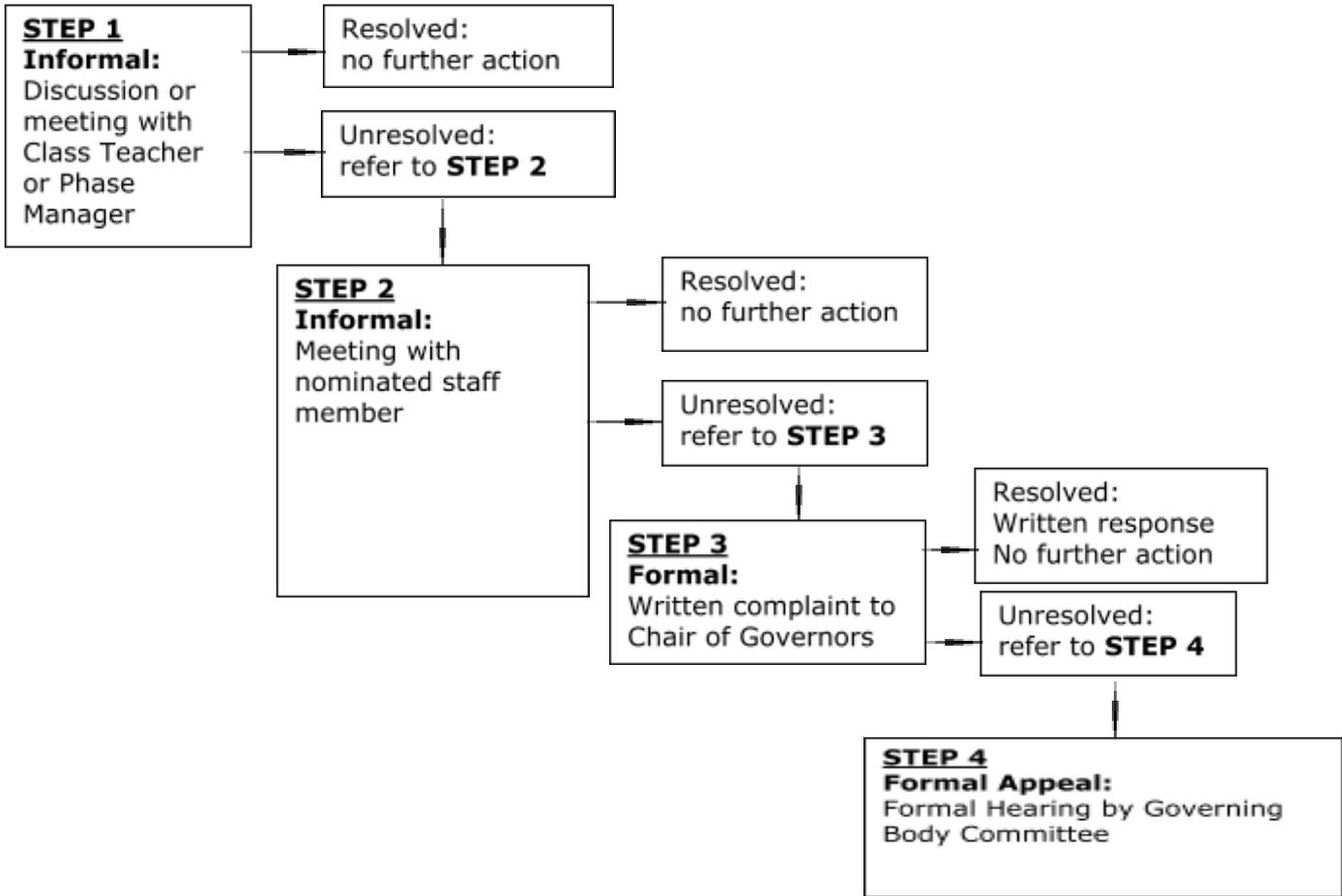
Manchester

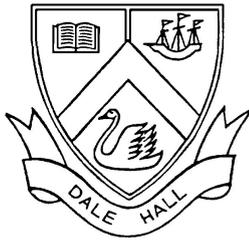
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**Flowchart of procedure for handling concerns and complaints:**





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**3. Document History**

Date	Description
10 Nov 1992	Adopted at Governing Body meeting
6 Feb 1996	Re-adopted.
3 Feb 1998	Re-adopted without amendment.
19 Nov 2002	Re-adopted without amendment.
10 Feb 2005	Reference change to Spring 05/4 paper
16 Jan 2008	Re-adopted without amendment.
25 Jan 2011	Reference change to Autumn 10/2 paper
22 January 2013	Readopted without amendment.
3 February 2015	LA School Complaints Procedures included
10 January 2017	Re-adopted without amendment at the Learning and Achievement Committee
11 June 2019	Reviewed against latest DfE guidance. Local Authority taken out of the policy. Changed name of committee



## DALE HALL PRIMARY SCHOOL GENERAL COMPLAINTS PROCEDURE POLICY

### Appendix 1

#### **Protocol for complaint heard by Governing Body Hearings Committee**

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 4 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 3 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.



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*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **10** school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **5** school days before the meeting.

Any written material will be circulated to all parties at least **5** school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within **20** school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.



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If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 4 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **APPENDIX 2**

#### **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 **General 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.

#### **1. Aims of Policy**

The aims of this policy are to:

- 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.



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### **2. Human Rights**

In implementing 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' Expectations 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:

- 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, and
  - (iii) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- b) respond within a reasonable time
- c) 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
- 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 in line with guidance and advice from the Local Authority
- f) keep complainants informed of progress towards a resolution of the issues raised

### **4. The school's expectations of parents/carers/members of the public**

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

### **5. Who is a persistent complainant?**



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- 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:
- 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) 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 his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy



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- 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) 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. (Advice is available from the Area Education Manager)
  - e) consider taking advice 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.