



## Policy Complaints Procedure

This procedure has been written with regard to the guidance 'Working together to safeguard children', 'Keeping children safe in education' and the 'Special Education Needs Code of Practice', which places Special Education Needs and Disabilities together and abbreviated to SEND. A copy can be seen in the Headteacher's Office.

The overall objective of the school's Equality Policy, in line with the Equality Act 2010, is to provide a framework for the school to pursue its equality duties to eliminate unlawful discrimination and harassment, promote equality of opportunity, and promote good relations and positive attitudes between people of diverse backgrounds in all its activities.

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| <b>Title</b>                             | Complaints Procedure   |
| <b>Date of Issue</b>                     | January 2019   |
| <b>Review Date</b>                       | January 2021   |
| <b>Prepared by</b>                       | Headteacher  |
| <b>To be reviewed by</b>                 | Headteacher and Governors  |
| <b>Appendices</b>                        | Appendix 1: Flowchart of Complaints Procedure<br>Appendix 2: Complaint Reporting Form<br>Appendix 3: Procedures for Vexatious Complaints |
| <b>Supply / distribution</b>             | Available as a read-only document on the Fynamore school website and hardcopy in the school office.                                      |
| <b>Other relevant approved documents</b> | None   |
| <b>Authorised by</b>                     | Headteacher and Governors  |

## **1. Introduction**

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

The School is clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns should be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach.

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The Headteacher has responsibility for the operation and management of the school complaints procedure and is the nominated complaints co-ordinator.

## **2. The aims of the Complaints Procedure**

The Fynamore School Complaints Procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

## **3. The role of the Complaints Co-Ordinator**

At each stage, the person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

## 4. Resolution of Complaints

At each stage in the procedure the School 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;
- 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 school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

The ultimate aim of the procedure is to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## 5. Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible, with realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## 6. The Stages of the Complaints Procedure

Stage 1: Complaint Heard by Staff Member

Stage 2: Complaint Heard by Headteacher

Stage 3: Complaint Heard by the Governing Body Complaints Appeal Panel

### Stage 1: Complaint Heard by Staff Member

Stage 1 complaints may be made in person, over the telephone, by email or in writing.

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 that end, staff are made aware of the procedures, so they know what to do when they receive a complaint.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator may refer the complainant to the Chair of Governors using the Complaint Reporting Form (Appendix 2).

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual complaint 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 procedure.

The person hearing the complaint must ensure that the complaints co-ordinator is informed of the outcome.

## **Stage 2: Complaint Heard by Headteacher**

If the complaint is not resolved at Stage 1, the complainant may wish to take the complaint to Stage 2.

Stage 2 complaints may be made in person, over the telephone, by email or in writing.

The Headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1, as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

## **Stage 3: Complaint Heard by the Governing Body Complaints Appeal Panel**

If the complaint is not resolved at Stage 2, the complainant may wish to take the complaint to Stage 3.

Stage 3 complaints must be made using the Stage 3 Complaint Reporting Form (Appendix 2).

The Chair, or a nominated Governor, will convene a Governing Body Complaints Panel.

The Governors' appeal 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 may nominate a number of members with delegated powers to hear complaints at this stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

## **The Remit of the Complaints Appeal Panel**

The panel can:

- 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.

There are several points which any Governor sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The Governors sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The panel or group of Governors considering complaints will be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

## **The Role of the Chair of the Governing Body or the Nominated Governor**

The Chair or nominated Governor will:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

## **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response, usually within 20 working days of the meeting (not including school holidays). The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

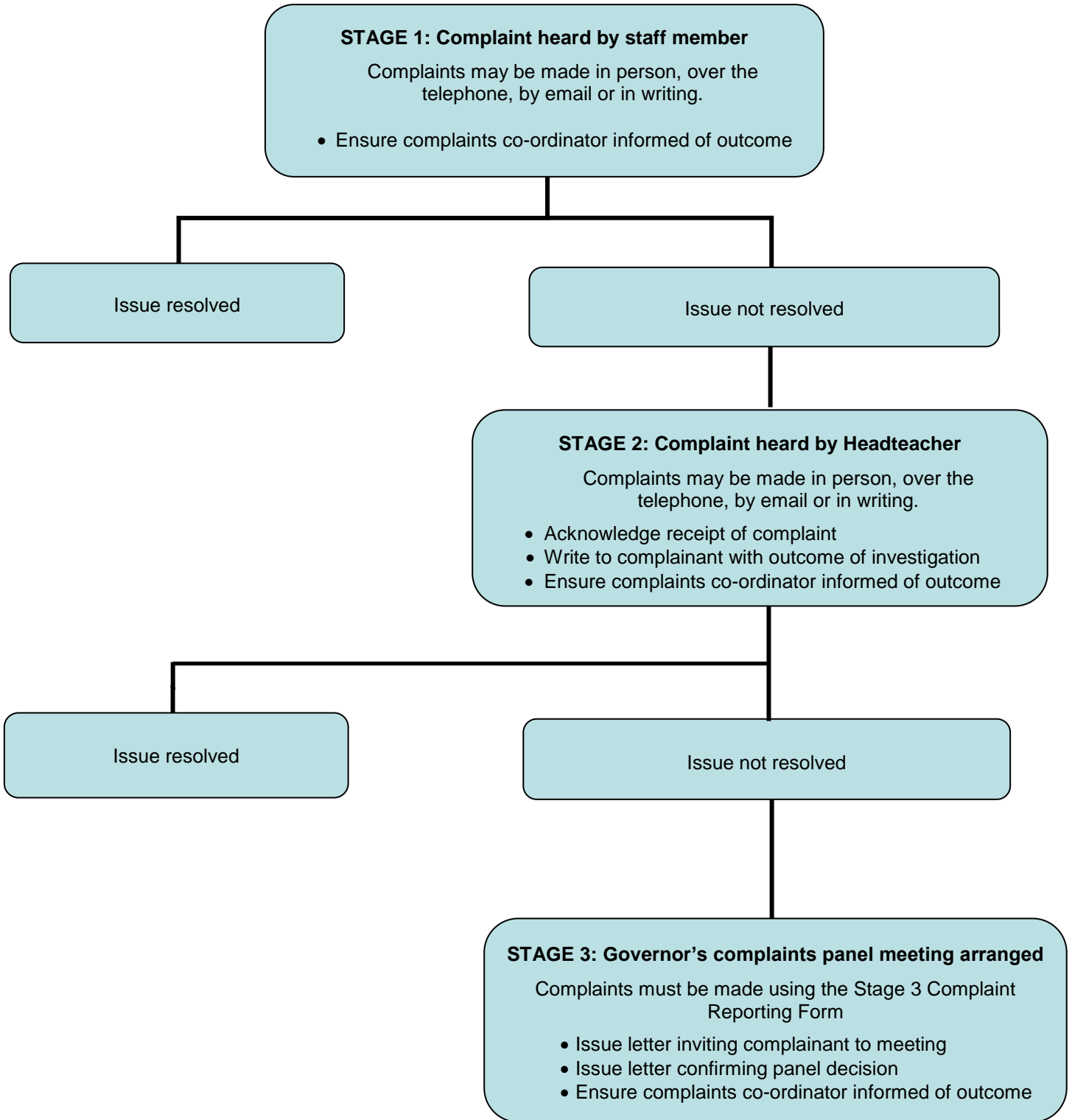
## **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.
- The panel must ensure that the complaints co-ordinator is informed of the outcome.

## Flowchart of Complaints Procedure

### Summary of Dealing with Complaints





## Fynamore School Stage 3 Complaint Reporting Form

**Please complete and return to Chair of Governors (via School Office) who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**



**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use only**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## PROCEDURE FOR VEXATIOUS CORRESPONDENCE AND COMPLAINTS

### For implementation by school Governing Bodies if a complaint becomes vexatious, and only after the complaints procedure has been completed

#### Purpose of this procedure

A small percentage of people will correspond with or complain to the school or governing body in a way that could reasonably be described as obsessive, harassing or repetitious. This correspondence from a minority of individuals takes up a disproportionate amount of resource and can result in unacceptable stress for Governors and staff. This procedure is designed to address vexatious correspondence and complaints. It should assist schools and Governors to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents.

It is important that the use of this procedure does not prevent people from accessing school services to which they have an entitlement, and it is designed to ensure that their rights are protected, while ensuring that scarce resources are used fairly and effectively, and that Governors and staff receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaints.

This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

#### Defining vexatious correspondence or complaints

Vexatious or persistent complaints and correspondence can be characterised in the following ways:

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or;
- Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason;
- Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner;
- A “scatter gun” approach, with copies of letters being sent to several recipients on a regular basis, often including the media, the MP, the Chief Executive and Leader of the Council, the department and/or service directors, and external regulators;
- Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

#### Using the procedure

If Governors or staff identify behaviour that they think exhibits these characteristics, and which they believe may be vexatious, they should first discuss their concerns with the chair of Governors. If the chair agrees with the assessment, the chair should prepare a brief statement of why the Governors consider the complaint or correspondence to be vexatious, including its effect upon staff, Governors and the school. This should be accompanied by a list of correspondence over the last 6 months, via email, telephone and letter, including information about whom the correspondence was addressed to, how many people/organisations it was copied in to on each occasion, and a one-line description of each piece of correspondence.

#### Handling correspondence and complaints that have been assessed as vexatious

The first step will be for the chair of Governors to write to the correspondent advising them that their complaint and/or correspondence has been determined to be vexatious and giving the reason for that decision. The letter should state that any future correspondence will be passed direct to the

chair of Governors who will consider whether it raises any substantive new issue(s). The correspondent should be advised that if no substantive new issue is raised, any future correspondence will not receive a response. They should also be advised of their right to complain about this decision to the Secretary of State for Education. They should be advised that the decision will be reviewed in 6 months from the date of the letter advising them that their complaint/correspondence has been determined to be vexatious. There is no internal route of appeal against the decision that a complaint or correspondence is vexatious.

The chair should notify any colleagues whom they know are likely to receive correspondence of their contact details and ask them to pass any future correspondence from the vexatious correspondent to the chair.

Any future correspondence should be passed to the chair. If he/she decides that it raises no genuinely new and substantive issues, no response is required. If he/she considers it to be appropriate, he/she may acknowledge the first 2 or 3 pieces of correspondence, referring the correspondent to the letter advising them of the decision that their correspondence has been determined to be vexatious. After that, however, no response or acknowledgement should be sent.

If future correspondence does raise significant new issues, it should be responded to. It may be appropriate for the response to be routed via the chair in order to prevent the renewal of "scatter gun" correspondence.

#### Reviewing the decision

Six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed. The chair should meet the governing body and the Headteacher to consider whether there has been any improvement in the vexatious behaviour over that time. The chair should write to the correspondent advising them of the outcome of the review. If the behaviour has improved, future correspondence can be treated in the normal way. If there has not been a significant improvement, the correspondence will continue to be treated as vexatious, and will be reviewed every six months.

#### Further advice and guidance

Please bear in mind that defining complaints and/or correspondence as vexatious is a very serious step, and only undertaken as a last resort. For that reason, it is essential that the decision to make correspondence or complaints vexatious is evidence-based and reviewed regularly.

If you have concerns about a particular correspondent, please discuss them with the Head of Governor Services. Please do not hesitate to contact them to discuss specific issues or questions.