

# HR Policy and Procedures

**Section:** D45

|                             |  |
|-----------------------------|--|
| <b>Title:</b>               | General Complaints Procedure for Maintained Schools  |
| <b>Purpose:</b>             | To provide a procedure for general complaints in schools   |
| <b>Operational contact:</b> | YourHR Operational Team & Schools Nominated Officer  |
| <b>Policy contact:</b>      | Faye Parrett, HR Change & Strategy Team, 01384 814986, faye.parrett@dudley.gov.uk  |
| <b>Supersedes:</b>          | July 2012 version of the General Complaints Policy   |
| <b>Consultation:</b>        | This policy has been formulated in consultation with the NUT, NASUWT, ATL, ASCL, NAHT, GMB and Unison and agreed with NUT, NASUWT, ATL, ASCL, NAHT, GMB and Unison |

## Policy Revision History

| Revision number | Date           | Amendment               | Revised by   |
|-----------------|----------------|-------------------------|--------------|
| 00              | July 2012      | New Policy              | Faye Parrett |
| 01              | September 2015 | Revision / legal update | Faye Parrett |
| 02              | November 2015  | Revision                | Faye Parrett |
| 03              |                |                         |              |

## Policy adoption

|   |   |
|---|---|
| <b>Policy adopted by the Governing Body of:</b> | Greenfield Primary School                   |
| <b>Date adopted by the Governing Body:</b>      | Thursday 26 November 2015 by Chair's Action |
| <b>Signed by Chair of Governors:</b>            | Jan Robinson                                |

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## 1.0 Purpose

The purpose of this procedure is to provide a robust process for dealing with complaints relating to the school or its employees, including the provision of facilities or services.

This procedure also includes a provision for dealing with vexatious, malicious or repetitive unfounded complaints.

## 2.0 Scope

The procedure applies to general complaints made by parents, carers, the community, visitors, volunteers and pupils.

This procedure should not be used for:

- Complaints relating to a statutory duty or power
- Complaints from staff, the schools grievance policy should be applied

## 3.0 Aims of Procedure

The aim of this procedure is to:

- Achieve informal resolution wherever possible
- Resolve general complaints as efficiently and effectively as possible
- Provide a transparent process for dealing with complaints, both formally and informally
- Ensure that all stages of the procedure will be investigatory rather than adversarial
- Ensure that every complaint is heard and handled appropriately
- Deal with complaints in a sensitivity, impartiality and confidentiality
- To allow redress where necessary and provide information back to the School Management team to improve services

## 4.0 Legal Context

Section 29 of the 2002 Education Act requires governing bodies of maintained schools to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, **other than** “complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision”, and to publicise these procedures.

## 5.0 Complaints Procedure

The majority of issues raised by parents, carers, the community, visitors, volunteers or pupils, are concerns rather than complaints. This School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum.

The formal procedure will be invoked where initial attempts to resolve the issues are unsuccessful and the person raising the concern wishes to take the matter further.

## **5.1 General Principles**

The appended “Complaints” Forms will assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents.

The person investigating the complaint (at any stage) should 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 required)
- 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 any discussions and meetings throughout the complaint
- Keep the complainant updated and well informed of the progress of the complaint

It should be noted that the School does not allow the recording of any meetings during this process by any party who attends, other than in exceptional circumstances where all parties agree.

Anonymous complaints will not normally be investigated under this procedure unless there are exceptional circumstances, for example if there were serious child protection concerns or bullying allegations where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Complaints must be raised as soon as possible after an incident arises and within 6 weeks of the event being complained of, save in exceptional circumstances.

In advising complainants of the outcome of their complaint it is important to be cautious when providing specific details. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee’s employment or data protection rights.

The procedure is designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the

confidence of all interested parties so that its use secures “closure” of any complaint or concern.

It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school will make it clear to any person who raises a concern, that the school will treat the matter with a high degree of confidentiality and ask the complainant to do likewise.

Reasonable support and adjustments should be made to support complainants where English may not be their first language, this could include support from a translator.

Reasonable support and adjustments should be made to support complainants who have a disability; this could include accepting a complaint verbally instead of in writing or physical adjustments to accommodate an individual into school.

### ***5.2 Selecting the most appropriate procedure***

The school should have clear procedures for receiving enquiries and complaints and an effective mechanism for “triage”, so that they are directed to the appropriate person(s) for resolution.

Where a complaint highlights child protection/safeguarding concerns, a referral to the Schools Child Protection Officer should take place immediately to enable any action to take place as appropriate.

Only once an outcome of a complaint has been reached and a full investigation has taken place should other procedures be implemented, for example the disciplinary policy.

### ***5.3 Stage 1 - Informal Procedure***

It is in everyone’s interest that complaints are resolved at the earliest possible stage. As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting in order to discuss the matter. Therefore the initial approach will normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information. An example meeting request form is detailed in appendix 1.

Where the first approach is made to a governor or member of the senior leadership team, the first step would be to refer the complainant to the appropriate person and advise them of the procedure. This is to maintain leadership and governor impartiality at the later stages.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised.

## **5.4 Formal procedure**

Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing, see model forms in Appendices 2 / 3 / 4 / 5.

The five stages of the formal procedure are detailed below:

### **5.4.1 Stage 2 – Complaint heard by Headteacher**

The complaint should be raised with the Headteacher. An example complaint form at stage 2 is detailed in appendix 2. If the complaint is against the Headteacher then the complaint should be moved straight to stage 3 and raised directly with the Chair of Governors. If the complaint is against the Chair of Governors then the complaint should be moved straight to stage 4 and raised directly with the Governing Body.

Upon receipt of the complaint the Headteacher may arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation. This may involve additional meetings with the complainant to obtain further information.

The Headteacher will wherever possible respond to the complaint immediately, however where this is not possible they will investigate the complaint. Once the investigation is completed then the Headteacher will either respond in writing within 10 working school days or invite the complainant to a meeting to explain the outcome. The complainant will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties

### **5.4.2 Stage 3 - Complaint heard by Chair of Governors**

If after completion of stage 2 the complaint is still not resolved then the complaint should be raised in writing to the Chair of Governors requesting that their complaint is considered further. An example complaint form at stage 3 is detailed in appendix 3.

The complaint should be raised in writing within 10 school days of the outcome of stage 2, giving clear details of the complaint, attaching relevant papers.

The Chair of Governors will acknowledge the complaint within 10 school days explaining what arrangements have been made to investigate the complaint and where appropriate provide the opportunity for further discussion between the complainant and the Chair of Governors. The Chair of Governors will investigate the complaint thoroughly, usually within 20 school days.

Once the investigation is completed then the Chair of Governors will respond in writing within 10 school days to confirm that the matter has been investigated thoroughly and appropriate action taken. The complainant will be provided with

as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

#### **5.4.3 Stage 4 –Appeal heard by Complaints Appeals Committee**

If after completion of stage 3 the complaint is still not resolved then the appeal should be raised in writing to the Clerk to the Governing Body, asking for it to be put to the appeals panel, normally 3 governors. An example complaint form at stage 4 is detailed in appendix 4.

The complaint/appeal should be raised in writing to the Clerk to the Governing Body within 10 school days of the outcome of stage 3, giving clear details of the complaint and the grounds for appeal. The complainant should attach relevant papers.

The Clerk will acknowledge the complaint within 10 school days and make arrangements to hold the appeal hearing at the earliest opportunity.

Once arrangements have been made for the appeal hearing all relevant papers and documentation to be relied upon at the hearing will be sent to all parties, at least 5 school days before the hearing.

**The governor appeal hearing is the last school based stage and is not convened merely to rubber stamp previous decisions.**

The hearing will be held in private and acknowledgement should be given to the difficult circumstances for all involved. Extra care should be given where the complainant is a child. The process can be found in appendix 6.

The hearing is independent and impartial, governors who have had any previous involvement in the complaint or circumstances surrounding it should not be involved. The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and the complainant. It does have to be acknowledged that the complainant may not be satisfied with the outcome and it may only be possible to establish the facts and make recommendations.

The complaints appeal panel can:

- 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 changes to the school systems or procedures to ensure that problems of a similar nature do not occur

Once the panel have reached a decision the complainant should be notified in writing within 5 school days. The letter will include the panel's decision including the reasons for the decision. The complainant will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

The letter will need to explain that if the complainant is still not satisfied with the response from the Governing Body then the complainant has the opportunity to progress to stage 5.

#### **5.4.4 Stage 5 – Complaint heard by the Local Authority**

An example complaint form at stage 5 is detailed in appendix 5.

The complaint should be raised in writing to the Strategic Director for People Services giving clear details of the complaint, attaching relevant papers.

The Directorate will acknowledge the complaint within 3 working days and they will then nominate an appropriate officer to investigate the way in which the complaint was dealt with, they will not at this stage re-investigate. The Directorate will write to the complainant in 20 working days, explaining the outcome of the investigation. The Directorate will also make contact with the school to advise them of the outcome and, where appropriate, the steps needed to put matters right.

Remove if not applicable

#### **5.4.5 Stage 6 – Complaint heard by the Secretary of State**

Where the complaint remains unresolved after going through all the appropriate stages within this procedure then the final stage of appeal is to the Secretary of State for Education.

Complaints should be submitted in writing to:  
The School Complaints Unit (SCU) at Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD.

The SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out and will ensure the policies comply with appropriate legislation. If legislative or policy breaches are found the SCU will report them to the school to take remedial action.

### ***5.5 Vexatious, Malicious or Repetitive Unfounded Complaints***

The vast majority of complaints are resolved by informal contact. There are occasions, however when the school is required to deal with vexatious, malicious or repetitive unfounded complaints, which cause unnecessary anxiety for the member of staff associated with the complaint and also wastes valuable 'school hours'.

As an example, a persistent or vexatious complaint:

- displays behaviours / actions which are disproportionate, harassing and repetitious;
- seeks unrealistic outcomes relative to the issue being raised and who state that their intention is to persist until that outcome is achieved;



- repeatedly makes the same complaint with minor differences but who do not accept the outcome of any investigation into their complaints.

The inclusion of this section within the procedure is to ensure that those complainants who we deem to be ‘persistent or vexatious complainants’ are still dealt with fairly, honestly and properly, whilst also ensuring that the service being provided or school staff are not adversely affected.

Before deciding whether it is appropriate for us to apply any restrictions in the way a ‘persistent or vexatious complainant’ can contact the school, we must inform the complainant in writing or at a face to face meeting why we feel their behaviours or actions are unacceptable. We must also give them the opportunity to change their behaviours within a reasonable timescale before taking any further action.

Therefore, where the complaint is deemed to be vexatious, malicious or repetitive without foundation, the school will reserve the right to inform the complainant that it cannot deal with their complaint and will outline the reasons why, which could include:

- Specific actions are not identified;
- Conclusions are presented rather than actions which require enquiry;
- The concerns relate to historical actions and any evidence which might have enabled an objective investigation of the complaint is no longer available;
- The substance of the complaint has already been addressed under this procedure previously;
- There are no identified potential sources of evidence which might allow the matter to be investigated;
- The complaint is deemed to be malicious in its intent either by the Head teacher or the Governing Body;
- The complaint(s) meet the legal definition of harassment under one of the following acts:
  - The Employment Rights Act 1996;
  - The Health & Safety at Work Act 1974;
  - The Equality Act 2010;
  - Human Rights Act 1998;
  - Protection from Harassment Act 1997;
  - Criminal Justice & Public Order Act 1994;
  - Malicious Communications Act 1998.

See model letter in Appendix 8.

## **6.0 Monitoring and Review**

The Governing Body and Head teacher will review the operation and effectiveness of the school’s complaints arrangements as appropriate.

## Appendices

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**Appendix 1**

**Greenfield Primary School: Stage 1 - Meeting Request Form**

I wish to meet ..... to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:  
Relationship with school (e.g. parent of a pupil on the school roll):  
Pupil's name (if relevant to the matter to be discussed)  
Your Address:  
Telephone numbers  
Daytime: Evening:  
E-mail address:

**Signed** ..... **Date** .....

[Please complete this form and return it to the school office]

School use:  
Date Form received: Date response sent:  
Received by: Response sent by:

**Greenfield Primary School Stage 2 Formal Complaint Form**

Please complete this form and return it, via the school office, to the Headteacher, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):  
.....

Pupil's name (if relevant to your complaint):  
.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

School use:

Date Form received:

Date response sent:

Received by:

Response sent by:

**Greenfield Primary School Complaint Stage 3 Formal Complaint Form**

Please complete this form and return it to the Chair of Governors, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):  
.....

Pupil's name (if relevant to your complaint):  
.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

I submitted a formal complaint to the Headteacher at school on ..... and am dissatisfied by the procedure that has been followed **or** my complaint is regarding the Headteacher.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

Signature:

Date:

School use:

Date Form received:

Date response sent:

Received by:

Response sent by:

**Greenfield Primary School Complaint Stage 4 Formal Complaint Form**

Please complete this form and return it to the Clerk to the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:  
Daytime: Evening:

E-mail address:

I submitted a formal complaint to the Headteacher at school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I then raised the complaint with the Chair of Governors and I received a response from..... on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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



Signature:

Date:

|                     |                     |
|---------------------|---------------------|
| School use:         |                     |
| Date Form received: | Date response sent: |
| Received by:        | Response sent by:   |

## Greenfield Primary School Complaint Stage 5 Formal Complaint Form

Please complete this form and return it to the Strategic Director of People Services, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

I submitted a formal complaint to the Headteacher at school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I then raised the complaint with the Chair of Governors and I received a response from..... on .....

I then raised the complaint with the Governing Body and I had a complaints appeal hearing on.....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

Signature:

Date:

|                     |                     |
|---------------------|---------------------|
| School use:         |                     |
| Date Form received: | Date response sent: |
| Received by:        | Response sent by:   |

### Governing Body - Complaints Panel Process

If the school receives a stage 4 complaint about one of the limited number of matters, that is not dealt with by another statutory process, it may be necessary to convene a governing body complaints appeals panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

- the content or the application of a governing body policy
- school facilities
- services that the school provides

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the clerk should convene a panel of 3 governors, who have not previously been involved with the complaint.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school, where this is necessary.

A meeting of the panel will take place, usually within 10 working school days, to consider the matter. The complainant (who may be accompanied) and representative(s) from the school (who may also be accompanied) may be invited to attend this meeting in order to clarify the matter (should they wish to attend). As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately. To reaffirm this is not a disciplinary meeting and should not be allowed to prejudice any future possible process.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Headteacher and the Governing Body of the outcome, in writing.

Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by the Local Authority as in Stage 5 of the complaints procedure.

## **Model Paragraph for Inclusion in School Prospectus**

### **Raising Concerns and Resolving Complaints**

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "School Complaints Procedure".

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the School Office or from the Clerk to the Governing Body.

**Leaflet that could be sent to persons who make vexatious or abusive complaints, if the policy is adopted by the Governing Body**

**Greenfield Primary School Policy for Handling Unreasonably Persistent, Harassing Or Abusive Complainants**

The head teacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are
  - Out of proportion to the nature of the complaint, or
  - Persistent – even when the complaints procedure has been exhausted, or
  - Personally harassing, or
  - Unjustifiably repetitious
- an insistence on
  - Pursuing unjustified complaints and/or
  - Unrealistic outcomes to justified complaints
  - Pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language; or
  - Making complaints in public or via a social networking site such as Facebook; or
  - Refusing to attend appointments to discuss the complaint.

**What is 'harassment'?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- It appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- It has a significant and disproportionate adverse effect on the school community.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- Treat all members of the school community with courtesy and respect;
- Respect the needs of pupils and staff within the school;
- Avoid the use of violence, or threats of violence, towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Follow the school's complaints procedure.

Schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channeled through the Local Authority.

Physical or verbal aggression

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- Ban the individual from entering the school site, with immediate effect;
- Request an Anti-Social Behaviour Order (ASBO);
- Prosecute under Anti-Harassment legislation.
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.