

# *Complaints Policy*

*March 2019*



**THE JO RICHARDSON**

SUCCESS FOR ALL

COMMUNITY SCHOOL

ACHIEVE

## Introduction

This policy has been produced in accordance with the DfE Best Practice Advice for School Complaints Procedure 2019.

An effective complaints procedure is essential to promote positive and productive relationships between the student, home and school. It is important that complaints are raised at the earliest possible opportunity to enable the matter to be dealt with speedily and effectively. An early informal approach is often the best means of resolution of problems and the school uses the DfE suggested period of three months as being the acceptable timeframe to lodge a complaint.

Parents/carers, students and any other interested parties (hereafter, complainant) are encouraged, through this procedure and through the pastoral structure, to raise concerns or to make complaints easily and without anxiety and in the knowledge that concerns and complaints will be treated seriously, impartially and, except where disclosure is legally required, confidentially.

## Principles underpinning the process

The school is committed to ensuring that all complaints are acted upon fairly. The complaints process should:

- be simple to understand;
- be impartial;
- be non-adversarial;
- deal with issues promptly;
- respect confidentiality;
- provide an effective response and redress, where appropriate;
- influence how the school operates in future if there are opportunities for improvement.

## Stages of the complaints process

There are five stages of the school's Complaints Procedure:

Stage 1 (informal resolution): complaint heard by a staff member (who is not the subject of the complaint)

Stage 2 (formal): complaint heard by the Headteacher

Stage 3 (formal): complaint heard by Chair of Governors

Stage 4 (formal): complaint heard by the Governing Body complaints appeal panel.

Stage 5 (formal): referral to the Department for Education (DfE)

If the complaint concerns the conduct of the Headteacher, it will be dealt with by the Chair of Governors (Stage 3).

### Stage 1: Complaint heard by staff member

- Recommended maximum timescale for response: five working days from receipt of complaint.
- Any complaint or concern should be resolved informally whenever possible.
- Staff should always try to resolve a complaint, not make the situation worse.
- The Student Planner advises parents about who they should contact in particular situations
- All staff should record any conversation with the complainant on the usual school forms, and a copy placed on a student's file, where appropriate.
- All staff should follow all procedures outlined in the 'Communications' section of the Staff Handbook.
- The Headteacher should be notified of the complaint and how it was resolved.

If the complainant is dissatisfied with the outcome of the informal investigation, they should move to Stage 2 of the process within five working days.

### Stage 2: Complaint heard by Headteacher

Where a situation is not resolved, the complainant should write to or email the Headteacher, outlining their concerns.

- The Headteacher should acknowledge receipt of the complaint in writing within 24 hours.
- The Headteacher should then investigate the complaint and make contact with the complainant to pass on the findings of the investigation. This should usually be done within 10 working days.

- This feedback should be designed to resolve the complaint, regardless of whether the complaint itself is found to be fully justified, partly justified or unfounded.

**The response from the Headteacher may include any of the following:**

- an apology;
- a clear acknowledgement that the school has been at fault;
- an explanation of the steps that are being taken to avoid such a problem in the future;
- an explanation of any misunderstanding on the part of the complainant about what may have happened;
- a clarification of school policy, if necessary;
- any actions that may help in providing the complainant with redress.

**Stage 3: Complaint heard by Chair of Governors**

- If the Headteacher is unable to resolve the complaint, or if the Headteacher is the subject of the complaint, then the complainant should write directly to the Chair of Governors. This should be within 10 working days of the complainant receiving the outcome of their Stage 2 complaint.
- The school should also make available to the Governing Body all the records of how matters have been handled.
- The Chair of Governors will investigate the complaint, taking into account any investigations that have previously taken place.
- The Chair of Governors will write to the complainant outlining their findings within 20 working days of the complaint being received. The Chair of Governors may delegate the task of collating the information to another member of the Governing Body but not the final decision on the action to be taken. Everyone involved in the investigation process will be advised that all information relating to the complaint is confidential and to discuss it with anyone not involved in the complaint or the investigation process may result in disciplinary action.

**Stage 4: Complaint heard by Governing Body Complaints Appeal Panel**

- If the Chair of Governors is unable to resolve the issue, then the complainant should write directly to the Chair of Governors within 10 working days of receiving the outcome of their Stage 3 complaint, requesting that the Governing Body Complaints Appeal Panel is convened.
- A written invitation to the hearing should be sent to the complainant.
- The panel hearing will be held within 15 working days of the complainant stating dissatisfaction with the outcome of Stage 3.

The meeting should follow the following procedures:

- the complainant is invited to outline their complaint;
- witnesses may be called in to support the complainant;
- the Headteacher has the opportunity to question the complainant and/or witnesses;
- the Headteacher responds to the complaint;
- witnesses may be called to support the Headteacher;
- the complainant may question the Headteacher and/or witnesses;
- the panel may ask questions at any point;
- the complainant sums up;
- the Headteacher sums up;
- both parties leave while the panel deliberates in confidence.

The Chair of the panel writes to both parties within five working days, informing them of the decision.

The panel can decide any of the following:

- 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.

The complaint will be deemed to be closed 15 working days after the despatch of the letter confirming the outcome.

The Governing Body should be informed at their next full meeting that a complaint has been received and dealt with. Details should not be divulged to the full Governing Body, nor to any other party not directly involved, as to do so would violate confidentiality.

## **Stage 5: Complaint heard by the Department for Education (DfE)**

If the complainant is not satisfied by the outcome of the Governing Body Panel investigation they can write to the Department for Education with copies of relevant correspondence.

Complainants are advised to write to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

- The DfE considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. They will look at whether the complaints policy and any other relevant statutory policies were adhered to. They also look at whether statutory policies adhere to education legislation. However, the DfE will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.
- The DfE will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the DfE finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.
- If legislative or policy breaches are found, the DfE will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The DfE normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with their powers under sections 496 and 497 of the Education Act 1996.
- The Local Government Ombudsman has no formal role in the handling of school complaints for Barking and Dagenham Schools from 1<sup>st</sup> August 2012.

Please refer to Appendix A for a summary of the above stages.

## **Unreasonable, serial or persistent complaints**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed at school level.

This does not preclude a complaint being escalated to Stage 5. The Department for Education will make an independent judgement about each case.

Please refer to Appendix B for more details.

## Appendix A – Summary table and timescales

Stage	Recommended maximum timescale
Stage 1 – informal  Complaint heard by a member of staff	<ul style="list-style-type: none"> <li>• Five working days from receipt of complaint</li> <li>• Staff will ensure SLT are aware of the issue</li> </ul>
Stage 2 – formal  Complaint heard by the Headteacher if correspondence is received within five days of the outcome of Stage 1	<ul style="list-style-type: none"> <li>• Headteacher will acknowledge receipt of the complaint within 24 hours</li> <li>• Headteacher will contact the complainant with the outcome of the investigation within 10 working days</li> <li>• Offers escalation to Stage 3 if dissatisfied</li> </ul>
Stage 3 – formal  Complaint heard by the Chair of Governors (COG) if correspondence is received within 10 days of the outcome of Stage 2	<ul style="list-style-type: none"> <li>• COG acknowledges receipt of the complaint</li> <li>• Write to complainant with the outcome of the investigation within 20 working days</li> <li>• Offer escalation to Stage 4 if dissatisfied</li> </ul>
Stage 4 – formal  Complaint heard by Governing Body Complaints Appeal Panel if correspondence is received within 10 days of the outcome of Stage 3	<ul style="list-style-type: none"> <li>• Issue letter inviting complainant to meeting within 15 working days</li> <li>• Issue letter confirming the panel's decision within five working days</li> <li>• Complaint will be deemed to be closed 15 days after the despatch of the letter confirming the outcome</li> <li>• Advise escalation route if dissatisfied</li> </ul>
Stage 5 – formal  Complaint heard by DfE if school did not handle complaint in accordance with policies or acted unreasonably or unlawfully	<ul style="list-style-type: none"> <li>• DfE have not published timescale</li> </ul>

It is reasonable to expect that complaint should be made as soon as possible. The cut-off limit is three months from the date of the incident for complaints to be made.

## Appendix B - Dealing with unreasonable, serial or persistent complaints

The Jo Richardson Community School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

This appendix sets out how we will decide which actions or behaviours will be treated as unreasonable or unreasonably persistent, and what we will do in those circumstances.

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are unreasonably persistent in making their complaints.

Unreasonable complainants are defined as *'those who, because of their frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints.'*

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately, and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has already been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint either in person, in writing, by email or by telephone while the complaint is being investigated;
- electronically records meetings and conversations without the prior knowledge of the other person involved.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as social media, websites and newspapers.

Complainants should limit the number of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. In the first instance, the school will verbally inform the complainant that his/her behaviour is considered to be approaching unreasonable/unacceptable and, if not modified, may result in further action being taken in accordance with this policy. This will be confirmed in writing by the Headteacher.

If the complainant's behaviour is not modified, the school will take some or all of the following actions as necessary, having regard for the complainant's behaviour and the effect of this behaviour on the school:

- Inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and therefore, to fall within the terms of this policy;
- Inform the complainant in writing that all meetings with any member(s) of staff will be conducted with a third person present and that notes from the meeting may be taken in the interests of all parties;
- Inform the complainant in writing that, except in emergencies, all routine communication between the complainant and the school should be by letter only;
- In the case of physical or verbal aggression, take advice from HR and/or Legal Services, and consider warning the complainant about being banned from the school premises or proceed immediately to a temporary ban;
- Consider taking advice from the LA on pursuing a case under Anti-Harassment legislation if concerns persist;
- Consider taking advice from HR and Legal Services about implementing specific procedures for dealing with complaints from the complainants, ie, the complainant will no longer be able to deal directly with any member of the school staff (including the Headteacher if required). In these cases, a third party will be identified by the Governing Body who will investigate to determine whether or not the complaint is reasonable or vexatious, and will then advise the Headteacher accordingly.

Where the behaviour is abusive or it threatens the immediate safety and welfare of staff, other options will be considered, including reporting the matter to the police or taking legal action to restrict access to the premises. In such cases, the complainant may not receive prior warning.

If a complainant makes a complaint which, after investigation, is deemed to be excessive, unfounded or based on exaggerated or elaborated statements, then it may be classed as malicious. A list of malicious complainants will be kept. The complaints process can be stopped at any time if the complaint is investigated and seen to be unfounded. This is especially so for complainants who have previously had a complaint deemed as malicious.