

HEAP BRIDGE VILLAGE PRIMARY SCHOOL



COMPLAINTS PROCEDURE & POLICY FOR MANAGING SERIAL AND UNREASONABLE COMPLAINTS

October 2019

Headteacher
Mr M. Cockcroft



Complaints Procedure for the Governing Board of [INSERT SCHOOL NAME]

The Governing Board has adopted the following Procedure:

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to **Heap Bridge Village Primary School** about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Heap Bridge Village Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. This consent should be provided as part of the complaint process (see appendix 1).

Concerns should be raised with either the Class Teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure. If a Governor is approached directly, they should not discuss the matter and should advise the complainant of the schools procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole Governing Board should be addressed to the School Based Clerk to the Governing Board via the school office. Please mark them as Private and Confidential. Where a complaint concerns the Chair of

Governors, the individual should contact the School Based Clerk to the Governing Board. Informal resolution will be sought, but where this fails, the complaints procedure at the formal stage will take immediate effect. The Vice Chair or an Independent Investigator will mediate any proceedings.

For ease of use, a template complaint form is included at appendix 1. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, we request that complainants do not discuss complaints publically via social media such as Facebook and Twitter. All concerns raised will be taken seriously. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision. We will endeavour to abide by timeframes stated under each stage but acknowledge that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Heap Bridge Village Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions Email: Debra.Kay@rochdale.gov.uk Phone number: 01706 925130
Statutory assessments of Special	Concerns about statutory assessments of Special

Educational Needs	Educational Needs Email: Michael.kemp@rochdale.gov.uk Phone number: 01706 925123
School re-organisation proposals	Concerns about school re-organisation proposals should be raised with Rochdale Borough Council Email: fay.davies@rochdale.gov.uk Phone number: 01706 925846
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding Email: LADO@Rochdale.Gov.UK Phone: 0300 3030350 Or the Early Help and Safeguarding Hub (EHASH) Email: ehash@rochdale.gov.uk Phone: 0300 3030440
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i> Link to school behaviour policy
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. The details of these procedure will remain confidential to the Headteacher and/or the individual's Line Manager. The complainant is not entitled to participate in the proceedings and will not be informed of any disciplinary action taken against an individual as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales

within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Heap Bridge Village Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

Roles & Responsibilities

An outline of the roles and responsibilities in the complaints process can be found at appendix 2.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Managing serial and persistent complaints

There may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and you may choose not to respond. However, you should not mark a complaint as 'serial' before the complainant has completed the procedure. If this situation occurs, please refer to the policy for managing serial and unreasonable complaints towards the end of this policy (page 10).

Banning from schools premises

A school site is private property. A person visiting school premises does so subject to a condition that they will behave in an appropriate manner. If a person fails to do so they can be told not to enter the premises. This is often the most effective action to take but the school may only do this when it is necessary and proportionate in all the circumstances. When incidents occur they need to be responded to quickly. The action required will clearly depend upon the particular circumstances of the incident. It may, for example, be possible to resolve a matter by simply reassuring an upset parent who is behaving inappropriately. At the other extreme it may be necessary to call the Police. The Headteacher or nominated person should consider the circumstances to determine this. If there is a threat to the safety of members of staff or pupils the school should not hesitate to call the Police immediately. The school must initially decide the best course of action to take, based on the individual circumstances. However, advice may be sought from RBC's Safety Team and/or Legal Services where required.

Stage 1

If the complainant remains dissatisfied that the matter has not been concluded informally, and they wish to take it further, the complainant can submit a formal complaint. This should be within 10 school days of the informal approach. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (on the Complaint Form), or by telephone. Where this is done in person or over the telephone the Complaint Form should be completed by the Headteacher.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. A template acknowledgement letter can be found at appendix 4.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see, if this information has not been provided on the Complaint Form. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response. Where possible, this will be within 20 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Governing Board (including the Chair or Vice Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the Governing Board must be made to the School Based Clerk to the Governing Board, via the school office, marked as private and confidential.

If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the Governing Board or Salford Diocese / Manchester Diocese*. Support in appointing an independent investigator can be provided by the Governor Support Team where the school purchases the full service. At the conclusion of their investigation, the independent investigator will provide a formal written response, where possible, within 20 school days. A template letter can be found at appendix 5.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Governing Board'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 2 must be made to the School Based Clerk to the Governing Board, via the school office, within 10 school days of receipt of the Stage 1 response.

The School Based Clerk to the Governing Board 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. A template acknowledgement can be found at appendix 6.

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

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

If the complainant rejects the offer of three proposed dates, without good reason, the School Based Clerk to the Governing Board 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 the school available, the School Based Clerk to the Governing Board will source any additional, independent Governors through another local school or through the Governor Support Team (where the full service has been purchased), in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2 with Governors sourced through another local school or through the Governor Support Team.

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.

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 School Based Clerk to the Governing Board 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.

A template letter is available at appendix 7 outlining the details of the meeting and information exchange.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting; a template letter is available for use at appendix 8. 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 hearing schedule can be found at appendix 3.

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 and the school with a full explanation of their decision and the reason(s) for it, in writing, within 10 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 by the school.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 2 will be heard by a committee of independent, co-opted Governors with Governors sourced through another local school or through the Governor Support Team (where the full service has been purchased).

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. A template letter is available at appendix 9.

Next Steps

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 Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Heap Bridge Village Primary 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, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Model policy for managing serial and unreasonable complaints

Heap Bridge Village Primary 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 our 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.

Heap Bridge Village Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 seeks 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 been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education

- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.