

# St Nicholas School Complaints Policy



## St. Nicholas School Canterbury

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<b>Governing Body Committee</b>	<b>Finance and Resources</b>
<b>SLT responsibility</b>	<b>Stephen King</b>
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## COMPLAINTS POLICY

### INTRODUCTION (INCLUDING DEFINITION)

St. Nicholas School is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints [from parents of registered pupils] to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

This policy only fully applies to parents of registered pupils at the school. If complaints are raised by persons other than parents, they will be dealt with under stages 1 and 2 of the formal policy.

All school staff will be made aware of complaints procedures and expected to review this document regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

This document explains that procedure, and the steps that it outlines should be referred to and followed by all pupils and their parents whenever an issue arises that causes them concern. If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly, given an explanation and provided with revised timescales.

This document does not apply to complaints about:

- *Pupil admissions*
- *Pupil exclusions*
- *EHC Plans*
- *Disciplinary issues relating to members of staff*

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this document. Where the complaint relates to a safeguarding referral made by a member of staff at the school, any consideration of that complaint by the school will be limited to a review of the reasonableness of the decision to make the referral in light of the evidence available to the member of staff at that time and in light of the school's safeguarding policies.

For more information on our school's provision for protecting our pupils, read our child protection and safeguarding policy, and the allegations of abuse against staff policy.

Anonymous complaints will not be examined under this document but will be addressed as far as is practicable by the headteacher.

## **1. When an issue or concern first arises**

If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone or in writing. You may then be invited to an informal meeting with the member of staff most appropriate for dealing with your concern.

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 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.

You may wish to approach your child's teacher first as they will be best placed to help you either directly or by figuring out which other member of staff you should be speaking to.

We encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

The Office Manager is our complaints administrator and formal complaints should be made to her using the proforma attached to this policy.

**If your complaint is about a member of staff**, you should first raise this with the headteacher either in person or in writing, and a meeting can be arranged with the headteacher to discuss the issue at hand.

**If your complaint is about the headteacher**, you should raise your concern in writing with the chair of governors.

**If your complaint is about a governor or the whole governing body**, you should raise your concern in writing with the clerk to the governing body. The clerk will then determine the most appropriate course of action. This will depend on the nature of the complaint and may involve sourcing an independent investigator and co-opted governors from another school.

Any governor will refer complaints that are taken straight to them back to the appropriate member of staff unless one of the above exceptions applies.

### **1.2 Initial informal meeting**

Once a concern has been raised you may be invited to attend an informal meeting with a member of staff or the headteacher or senior member of staff to discuss your concerns.

You are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the headteacher.

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within ten school days.

## **2. Formal complaints**

In order to ensure that complaints are processed efficiently and effectively, St. Nicholas School deals with formal complaints in three stages:

### **Stage 1**

If you do not feel that your concern has been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing to the headteacher. If your complaint is about the headteacher you should go straight to Stage 2 of this procedure. Your written complaint should provide sufficient detail of the issues to allow the headteacher to investigate and respond to the complaint. You should also set out what you feel would resolve the complaint. The headteacher will decide who is best placed to investigate the complaint including the possibility of the use of a headteacher from a different school, who has agreed a reciprocal arrangement with St. Nicholas School to undertake such investigations when it would be helpful.

The complaints proforma is attached to this policy and should be returned to the Office manager who is our complaints co-ordinator.

The headteacher should acknowledge your complaint in writing within five days. They may already be aware of the situation. They will outline their decision if there is one to be made, and any action to be taken as a result of your complaint.

The headteacher may call you in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of your complaint. The headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

If the complaint is against a member of staff, the headteacher will talk to that employee. If it is an allegation of abuse, a formal investigation may be instigated by

the school or external child welfare authorities to whom the school reports. Please refer to our **allegations of abuse against staff policy** for an outline of this procedure.

The headteacher will respond to you in writing within ten school days outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right to take the matter further and the steps to be taken.

## **Stage 2**

If, having spoken to the headteacher, you are dissatisfied with the outcome of your complaint or your complaint is about the headteacher, you may lodge your complaint with the chair of governors. The complaint must be in writing and it should explain your concern in sufficient detail and the steps that have led up to you taking this course of action. You should also set out the actions you feel would be necessary to resolve the complaint.

If the complaint is against a member of staff, that employee will be given the opportunity to write a response, which will be sent to the chair of governors within five school days of the complaint being lodged with them.

The chair of governors will appoint a member of the governing body to investigate and they respond to you in writing within ten school days outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

## **3. Appeals**

### **Stage 3:**

If you would like to lodge an appeal following the outcome of a formal complaint at stage 2, this will be taken to the appeals panel. You should write to the clerk to the governing body to exercise this right within ten school days of the outcome at Stage 2. If no request for an appeals panel hearing is received within ten school days, it will be deemed that the decision is accepted, and the complaint will be closed.

If an appeals panel is requested, the clerk to governors will acknowledge your appeal and make the necessary arrangements and will usually convene the appeals panel within ten school days from the acknowledgement being sent. Where it is not possible to find a mutually convenient date within that timescale, the school will take reasonable steps to agree a time and date mutually convenient to all parties.

The clerk will ensure that all parties to the appeal have access to the same documentation and set out a timetable to support the collation and circulation of documents. Any supporting documentation relevant to the complaint must be submitted to the appeals panel by both parties at least 5 days before the appeals panel hearing.

You are entitled to be accompanied to the appeals panel hearing and should notify the clerk in advance if you attend to bring anyone.

### **The appeals panel**

The appeals panel will be made up of three members of the governing body.

No person can sit on the appeals panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy.

The panel will give careful consideration to how the complainant can be made to feel most comfortable presenting to the panel.

### **Appeals procedure**

The Appeals Panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for an appeal is usually as follows:

1. The complainant and headteacher will enter the hearing together.
2. The chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The headteacher and panel will question the complainant.
5. The headteacher will explain the school's actions.
6. The complainant and panel will question the headteacher.
7. The complainant will sum up their complaint.
8. The headteacher will sum up the school's actions.
9. The chair will explain that both parties will hear from the panel within ten working days.
10. Both parties will leave together while the panel decides.
11. The clerk will stay to assist the panel with its decision making.

The chair of the panel/clerk to governors will notify the complainant of the panel's decision in writing within ten school days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the governing body.

### **The appeals panel may:**

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

The panel's decision is final. If you are unhappy with the outcome, you may wish to put your complaint to the Secretary of State. Complaints can be submitted online at <https://www.gov.uk/complain-about-school>, on the Helpline 0370 000 2288 or in writing to: school Complaints Unit, Department of education, Piccadilly Gate, Store Street, Manchester M1 2WD

#### **4. Vexatious/persistent complaints**

Whilst it is hoped that this document will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaints procedure.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints procedure, the chair of governors will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints procedure has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond to that correspondence.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- the school has taken every reasonable step to address the complainant's needs, and the school's position has been clearly set out in writing together with the complainant's options
- the complainant is contacting the school repeatedly but making substantially the same points each time
- the school reasonably believes the aim of the contact is to cause disruption or inconvenience
- that the complainant acts or communicates in an inappropriate way towards school staff.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

See the schools Policy for Handling Unreasonably Persistent, Harassing, Vexatious and Unreasonable Complaints.

See the school's policy for the management of Violence, Threatening Behaviour or abuse towards members of staff from visitors to the school.

#### **5. Governing body – records, review and monitoring of complaints**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law.

St. Nicholas School will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively. All records of any complaints will be kept confidential but may be inspected where appropriate by the Secretary of State or any inspection body.

The governing body will monitor complaints and review the complaints procedure every three years.

## 6. Staff complaints

Staff who have a concern about a colleague or a volunteer member of staff should refer to our **whistleblowing policy**.

The procedure for dealing with any other staff complaints or employment grievances is set out in the school's **staff discipline, conduct and grievance policy**.

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**Signed by:**

\_\_\_\_\_ **The chair of governors** **Date:** .....

\_\_\_\_\_ **Headteacher** **Date:** .....

**PLEASE COMPLETE AND RETURN TO THE SCHOOL OFFICE MANAGER WHO WILL ACKNOWLEDGE RECEIPT AND EXPLAIN WHAT ACTION WILL BE TAKEN.**

**Your Name:**

**Address:**

**Post Code:**

**Telephone No.:**

**Mobile:**

**Email:**

**Please give details of your complaint:**



<p><b>What action, if any, have you already taken to try and resolve your complaint.(Who did you speak to and what was their response?)</b></p>
<p><b>What actions do you feel might resolve the problem at this stage?</b></p>
<p><b>Are attaching any paperwork? If so please give details</b></p>
<p><b>Signature:</b></p>  <p><b>Date:</b></p>

**MONITORING AND REVIEW**

This policy will be reviewed annually.

**EQUALITY, SAFEGUARDING AND EQUAL OPPORTUNITIES STATEMENT**

St Nicholas School, in all policies and procedures, will promote equality of opportunity for students and staff from all social, cultural and economic backgrounds and ensure freedom from discrimination on the basis of membership of

any group, including gender, sexual orientation, family circumstances, ethnic or national origin, disability (physical or mental), religious or political beliefs.

St Nicholas School aims to:

- Provide equal opportunity for all
- To foster good relations, and create effective partnership with all sections of the community
- To take no action which discriminates unlawfully in service delivery, commissioning and employment
- To provide an environment free from fear and discrimination, where diversity, respect and dignity are valued.

All aspects of Safeguarding will be embedded into the life of the school and be adhered to and be the responsibility of all staff.

### **LINKS TO OTHER POLICIES**

Health and Safety

All curriculum policies

Staff Code of Conduct

Vexatious Complaints policy

Management of incidents of violence, threatening behaviour or abuse towards members of staff from visitors to the school

## **APPENDIX 1**

### **GUIDELINES FOR HANDLING UNREASONABLY PERSISTENT, HARASSING, VEXATIOUS AND UNREASONABLE COMPLAINTS (See Vexatious Complaints policy)**

The head teacher and governing body are 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/carers 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 and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

The aim of this policy is to clarify the process for dealing with unreasonable complainants or parents who do not act appropriately.

#### **What do we mean by 'an unreasonable complainant'?**

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who

pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

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 or
  - Obsessive, harassing, or prolific
- Prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
- Acting in a way not in line with the school aim of reaching a resolution and working with the school
  
- An insistence on
  - Pursuing unjustified or unmeritorious complaints and/or
  - Unrealistic outcomes to unjustified complaints
  
- An insistence on
  - Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language;
  - Making complaints in public; 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 seek a resolution.

Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of school staff or others.
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others;
- It has a significant and disproportionate adverse effect on the school community.
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution

### **What can you expect from the school?**

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

- Follow the School's complaints procedure
- Respond within a reasonable time;

- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school and the nature of the complaint
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the School's complaints procedure.
- Keep those involved informed of progress towards a resolution.

### **What the school expects of you**

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

- Treat all staff with courtesy and respect
- Respect the needs of pupils and staff within the school;
- Never to use violence (including 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;
- Recognise that some problems may not be resolved in a short time;
- Follow the school's complaints procedure.
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space)
- To be prepared to work towards a resolution and in partnership with the school

### **School's responses to unreasonably persistent complaints, vexatious complainants, unreasonable 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 and reach a resolution.

However, in cases of unreasonably persistent complaints or harassment, the school may take any 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 third 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.
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be

investigated further until it is pursued in a manner the School considers to be reasonable

- Place restrictions on the individual's access to school and/or school staff.
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school.
- Involve the policy
- Involve officers of the local authority

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

### **Review**

If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, the school, may resume the process identified above.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Schools complaints policy, the School will use its discretion and may resume the investigation of the complaint. The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy

Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered, even if the person making them is (or has been) subject to the vexatious or persistent complaints policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.