

# **The Meadows School**

## **Complaints Policy**

**To be adopted by all Sandwell  
Maintained Schools**

Sandwell Metropolitan Borough Council

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## **1. Introduction**

It is in everyone's interests that concerns are resolved/clarified at the earliest possible stage. Where concerns are raised the school will work with the individual who raised the concern to identify what would resolve the situation and then endeavour to find a resolution at the earliest opportunity.

In accordance with Section 29 of the Education Act 2002, all local authority maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

Initial concerns should be dealt with by an appropriate member of staff. These should be taken seriously and every effort made to resolve matters as quickly as possible. In certain cases, it may be appropriate to forward these to the Head Teacher (or to the Chair of Governors, if the complaint is about the Head Teacher).

Where it is not possible to resolve concerns informally, the formal complaints procedure can be accessed.

This document outlines how complaints will be dealt with under the Formal Complaints Policy.

Complainants will always be given the opportunity to complete the complaints process in full, regardless of whether it is felt that that the complaint is justified or not.

If the complaints process is ongoing and further enquiries are received regarding the same subject we will not respond to the new enquires/complaints. This is because it is unhelpful to have more than one investigation ongoing which duplicate the issues being investigated.

## **2. Complaints about services provided by external bodies using a school's premises**

Where the school has third party providers offering community facilities or services through the school premise, or using school facilities, the providers must have their own complaints procedure in place. Any complaints made concerning third party providers will be dealt with under their own procedures. The governing body will ensure that providers have the correct processes in place to deal with any concerns or complaints and any issues should be raised with the provider directly.

## **3. Who can make a complaint?**

Any person, including members of the public, may make a complaint about any provision of facilities or services that a school provides, unless statutory procedures apply (such as exclusions or admissions, a list is included within the next section).

#### **4. Exclusions to the complaints procedure:**

The following issues will not be subject to the school's complaints procedure as they are outside of the school's jurisdiction:

- admission to schools;
- exclusions from school;
- special educational needs (SEN Tribunal)
- statutory proposals for school re-organisation;
- claims for damages
- staff grievance or disciplinary matters
- child protection issues;
- claims for damages.

Complaints made against school staff will be considered, however where it is determined that matters should be dealt with under the school's grievance and disciplinary procedures complainants will not be informed of the outcome.

Where a complaint relates to the behaviour of a pupil this may be subject to the school's conduct and disciplinary procedures and the detail will remain confidential to the school and the parents of the child involved.

Complainants can be assured that the complaints will be investigated fully but due to data protection information will not be shared with them in these circumstances.

Where complaints concern child protection matters these should be raised with the school but will not usually be considered as a formal complaint where there is likely to be a Child Protection Investigation.

Where a complaint is received which should not be dealt with as a formal complaint the school will write to the complainant to advise them of this and the reason for the decision. The school will confirm the correct process to be followed.

#### **5. Accessibility**

The school will ensure that the formal complaints procedure:

- is easily accessible and publicised both within the school and available on the school website;
- is simple to understand and use;
- is impartial and in the spirit of working together co-operatively to reach the best resolution for everyone;
- respectful of confidentiality for all;

#### **6. Time limit for making a complaint:**

In general, any matter which is raised more than 3 months after the event being complained of, will not be considered.

## 7. Recording Complaints:

Complaints should be made on the form provided by the school, this is to ensure that there is an accurate record of the complaint and it is clearly understood. However, if complainants are unable to complete this form complaints will be accepted in the following ways:

- in person;
- by telephone;
- or in writing.

When a formal complaint is received the school will write to the complainant within 5 school days to confirm what will happen next and the anticipated timescales.

## 8. Keeping people informed

Each stage of the complaints process has agreed timescales which should be adhered to. If for any reason this is not possible the school/governing body will write to the complainant to explain the reasons and confirm when the action will be completed.

## 9. Stages of the complaints process:

The following outlines the stages of the formal complaints procedure, at the end of each stage of the procedure complainants will be advised of how to progress to the next stage if they remain dissatisfied with the way in which the investigation has been conducted.

**Formal stage one:** a formal complaint will be investigated by the Head Teacher or person nominated by the Head Teacher. The investigation will be completed within 10 school days and at the end of the investigation a full written response will be sent to the complainant.

If the formal complaint is about the Head Teacher this will be dealt with by the Chair of Governors.

**Formal stage two:** if stage one has been completed and the complainant remains dissatisfied with how the investigation was conducted the complaint can be referred to a panel of governors. The request for stage 2 should be made to the Clerk to Governors within 10 school days of receiving the stage 1 response in writing.

The governing body panel will be independent and made up of three members of the governing body who have had no awareness or involvement with the complaint previously. The panel will carry out a review of the investigation which has been completed at stage one.

The request to progress to stage 2 should include a statement from the complainant which clearly states why they remain dissatisfied with the conduct of the investigation. If the reasons are not clear the Chair of Governors will write to the complainant to request the additional information required to review the complaint or consider inviting the complainant to attend the panel to present their views in

person. The Panel will not usually consider any new issues and will review the investigation that has taken place at stage 1. The request to progress to stage 2 should be requested within 10 school days of receiving the stage 1 response.

Complainants have the right to request an independent panel if they believe that there is likely to be bias in the proceedings. The School will consider approaching a different school to ask for help or contact the local Governor Services team commissioned by the LA, or the Diocese. The school will consider any such request but ultimately, the final decision is made by the Chair of Governors.

The panel will normally be conducted through consideration of a written submission, but reasonable requests to make oral representations will be considered sympathetically. The final decision will be made by the Chair of Governors.

The panel should take place within 10 school days of receipt of the request and the panel decision will be issued within 5 school working days of the panel being heard.

#### **10. Next Steps for complainants who remain dissatisfied with the way in which the investigation was conducted:**

**Maintained Schools:** When stage 2 has been completed this is the end of the school complaints procedure. If complainants are dissatisfied with the way in which the investigation was conducted they may ask for a further review of the process by the local authority.

If a complainant has completed the local procedures and remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.educations.gov.uk/help/contactus](http://www.educations.gov.uk/help/contactus).

#### **11. Social Media**

Individuals who raise concerns are asked to comply with the Schools guidance on social media which should be available on the school website, a complaint can be undermined by:

- Comments made on social media
- Identifying individuals staff on social media
- Personal abuse targeted towards individual members of staff
- Physical or verbal threats targeted to individuals or groups of staff

These behaviours amount to harassment and will be dealt with by the Police.

## **12. Serial and Persistent Complainants**

The school is committed to working with anyone who raises an issue to take this seriously and work towards finding a solution to concerns. Generally, this should be a straight forward process and the school values the feedback that we receive on services. We accept that complainants may ask difficult questions where they believe that things have gone wrong and have a right to go through the complaints process.

However, in a minority of cases people pursue their feedback in a way which is inappropriate

Where the school is contacted repeatedly by individuals making the same point or asking for reconsideration on our position the school will need to take appropriate action. The school has a Serial and Persistent Complaints Policy for these difficult situations. This policy sets out what is considered to be unreasonable behaviour and the action that will be taken to address this. The procedure is available on the school website.

The application of a 'serial' or 'persistent' marking will be made against the subject of the complaint itself rather than the complainant.

### **Who is a persistent complainant?**

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable.

Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- d) an insistence upon pursuing complaints in an unreasonable manner;
- e) an insistence on only dealing with the Head Teacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- f) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they:

a) appear to be targeted over a significant period of time on one or more members of staff and/or

b) cause ongoing distress to individual member(s) of staff and/or

c) have a significant adverse effect on the whole/parts of the school community

and/or

d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

**The DfE's guidance suggests schools should seek legal advice if they think persistent contact by a complainant constitutes harassment.**

### **The School's actions in cases of persistent or vexatious complaints of harassment**

In the first instance the school will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.

- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties
- All concerns will need to be raised in writing.

### **Process of persistent of vexatious complaints**

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

1. inform the complainant in writing from LA's Legal Department, that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy. **Any complaints regarding this letter should be referred to Sandwell Legal Department.**
2. inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties.
3. inform the complainant that, except in emergencies, all routine communication **with the complainant to the school will be by letter only. Emails and phone calls will not be accepted.**

4. (in the case of physical, or verbal aggression) take advice from LA HR / Legal Services (services purchased by the Governing Body) and **consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;**
5. advice will be taken from the LA on pursuing a case under Anti-Harassment legislation;
6. advice will be taken from the HR / Legal Services of the LA about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the school but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Head Teacher accordingly.

Thus, based on 6). legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Academies. However, the school will be advised by the HR / Legal Services of the LA.

If a complainant's persistent complaining/harassing 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 at an appropriate level. In these circumstances advice may be sought from the HR/Legal Services of the LA.