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Archway School has a duty to monitor the operation and effectiveness of policies. Designated authority: Governors' Finance & Staffing Committee



## **Policy and Procedures for Dealing with Complaints**

### **Introduction**

We receive very few complaints. Problems sometimes arise from misunderstandings which are easily addressed. Most concerns and complaints can be sorted out quickly by speaking with the member of staff involved or responsible. Please tell us of your concerns as soon as possible. It is difficult for us to investigate an incident or a problem properly if it took place some time ago. We cannot consider incidents more than three months after the event unless there are exceptional circumstances. Please contact the school directly and do not use the press or social media to air concerns as this infringes the privacy of all involved.

We welcome and appreciate all input from parents, carers, staff and the wider community that improves our work in school. Please be assured that whatever you tell us no child will be unfairly affected.

### **Informal Action**

- Complainant discusses concerns or complaints with the member of staff concerned
- If the member of staff is unable to deal immediately with the matter, a clear note is made, including complainant's name, phone number and date, and the complainant is contacted as soon as the matter has been investigated and within 5 school working days. The member of staff may also consult their Line Manager or member of the Senior Leadership Team (Deputy and Assistant Headteachers) at this stage.
- The member of staff ensures that the complainant is clear what action or monitoring of the situation has been agreed. The concern/complaint and action agreed are recorded.
- If no satisfactory solution has been found, the complainant is asked if they wish their concern to be referred to a member of the Senior Leadership Team.

### **Formal Action**

When initial attempts to resolve a concern have been unsuccessful and the person raising the issue remains dissatisfied and wishes to take the matter further, formal procedures are invoked. Formal procedures have three stages: -

Stage 1 - Complaint heard by a member of the Senior Leadership Team (Deputy and Assistant Headteachers)

Stage 2 - Complaint heard by the Headteacher

Stage 3 - Complaint heard by a Governing Body Complaints Appeal Panel

### **Stage 1 – Complaint heard by a member of the Senior Leadership Team (Deputy and Assistant Headteachers)**

A complaint may be made in person, by telephone, email or in writing. The complaint is dealt with by a member of the Senior Leadership Team who is designated by the Headteacher. Their role is to: -

- 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 necessary)
- Clarify what the complainant feels would put things right
- Explain the complaints procedure and provide a copy for the complainant
- 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 the interview
- Reply to the complainant
- Send a record of the complaint to the complainant. This process should take no longer than 10 school days from the receipt of the complaint. Where further investigations are necessary, new time limits should be set and the complainant sent details of the new deadline and an explanation for the delay
- If the complainant remains dissatisfied the complaint will be reviewed by the Headteacher

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

- The Headteacher reviews the process and action taken by the member of the Senior Leadership Team and repeats any stage which he/she feels is appropriate
- The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken
- This process will be completed within 10 school days of the complaint being taken to stage 2 and the Headteacher will write to the complainant notifying them of the outcome and the next stage of the complaints procedure
- If still dissatisfied, the complainant should write to the Chair of Governors giving details of the complaint

### **Stage 3 – Complaint heard by the Governing Body's Complaints Appeal Panel**

The governors' appeal hearing is the last school-based stage of the complaints process

- The Chair, or a nominated governor, will convene a Governing Body complaints panel. It is important that the appeal hearing is independent and that it is seen to be so
- No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it
- Individual complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint
- The aim is to complete the process from receipt of complaint to notification of result as quickly as possible, but within a maximum of four academic weeks

The Clerk to the Governors will:

- Set the date, time and venue for a hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panel's decision

The panel shall:

- Ensure no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Determine that the Complaints Policy has been correctly applied
- Determine whether the complaint should be upheld or not
- Determine whether appropriate action has been taken in response to the complaint
- Make any appropriate recommendations regarding complaint handling and any action to be taken in response to the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

### **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, 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.

If the first approach is made to a governor, the next step should be to refer the complainant to the appropriate person and advise them about the procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage. If the complaint concerns the Headteacher, the matter should be referred to the Chair of Governors. (See appendix for further details.)

### **Beyond the Governing Body**

The complainant can contact the School Complaints Unit at DfE who will ensure that the complaints policy and any other relevant policies were adhered to and whether these policies adhere to education legislation. The SCU will not normally reinvestigate the substance of the original complaint.

### **Monitoring Complaints**

Complaints will be monitored by the Governors' Finance, Staffing and General Purposes Committee.

### **Complaints not covered by this policy**

Admissions

Exclusions

Staff Grievance and Whistle Blowing

Staff Disciplinary Procedures

Complaints about services provided by other providers who may use school premises or facilities

### **Further References:**

Safeguarding Children Policy

Behaviour Policy

Staff Discipline Policy

Grievance Policy

Equality Policy

Admissions Policy

DfE Best Practice Advice for School Complaints Procedures 2016

DfE School Complaints Unit National Helpline 0370 000 2288

## APPENDIX

### **Unreasonable/Vexatious Complainants**

Archway 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.

Archway School defines unreasonable complainants as 'those who, because of the 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 co-operate 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 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

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 in social media websites and newspapers

Complainants should limit the numbers of communications with a 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.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Archway 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.