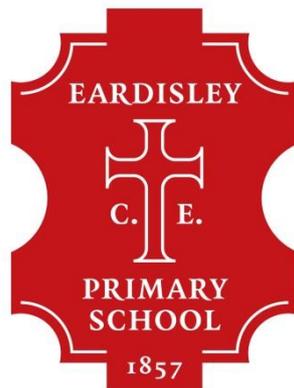


# Eardisley CE Primary School



## Complaints Policy and Procedures

Date Agreed: May 2018

Review Date: May 2019

At Eardisley CE Primary School our approach and policies are built on the foundations of our Christian ethos and values. We take pride in building good relationships with all our parents and in being a 'listening' school. We therefore aim to resolve any issues before they would reach this stage, however all schools have a duty to have a complaints procedure and to publicise it to parents and pupils. Complaints procedures should not be used for appeals and referrals that fall under other procedures and legislation and which are covered by other guidance, including:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances
- Child Protection
- Whistleblowing

## **2. Raising a concern or complaint**

### **2.1 Informal Stage**

Parents can raise concerns by contacting their child's class teacher or the Headteacher. This should be by letter, or by telephone or email via the school office (01544 327262 or [admin@eardisley.hereford.sch.uk](mailto:admin@eardisley.hereford.sch.uk)) or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this informal stage. If your complaint remains unresolved, it should be raised with the Headteacher [or to the Chair of Governors, if the complaint is about the Headteacher] to investigate and respond to you.

In the case of serious concerns it may be appropriate to address them directly to the Headteacher [or to the Chair of Governors, if the complaint is about the Headteacher].

The school will endeavour to give a prompt feedback in response to any complaint received.

If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the governing body.

### **2.2 Formal Stage**

If your concern or complaint is not resolved at the informal stage you must put the complaint in writing and pass it to the Headteacher, [or to the Clerk to the governing body, for the attention of the Chair, if the complaint is about the Headteacher] who will be responsible for ensuring that it is investigated appropriately.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. You may choose to use the Formal Complaints Form in Appendix A.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult

to proceed. Please pass the completed paperwork, in a sealed envelope to the Headteacher or to the Clerk to the governing body, as appropriate.

The Headteacher [or Chair] may invite you to a meeting to clarify your concerns and to seek an informal resolution. If you accept that invitation, you may be accompanied, by a friend (not a member of the legal profession or the media) if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Headteacher [or Chair]. If not arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 10 working days of the school receiving your formal complaint, how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not happy with the response provided by the Headteacher [or Chair to Governors] the complaint can be referred to the governing body for review. Any such request must be made in writing to the Clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

### **2.2.1 Review Process**

Any review of the process followed by the school or of the investigation of the complaint will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant. The panel will then invite representatives of the school [usually the Headteacher or the Chair of the governing body panel that has considered the matter], as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed.

You, and the school representative[s], will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

For most complaints the decision of the governors is the last step in the procedure.

### **2.3 The Secretary of State**

If you are not satisfied with the response from the governing body you can contact the Secretary of State for Education via the DFE Helpline on 0370 000 2288



## Appendix A - Formal Complaints Form

<b>Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken</b>	
Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Daytime contact number:	
Please give details of your complaint here:	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature:	
Date:	
<b>For Office Use Only:</b>	
Date Acknowledgement Sent and by Whom:	
Complaint referred to:	

## **Annex to Complaints Policy**

### **Policy for dealing with Unreasonably Persistent Complaints, Harassment or Aggression**

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is extremely committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.

However, there may be rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

#### **1. What does the school expect of any person wishing to raise a concern?**

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

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- avoid any aggression or verbal abuse;
- 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 resolving a specific problem can sometimes take time;
- follow the school's complaints procedure (and for staff members to follow the appropriate internal staff procedure).

#### **2. What do we mean by 'unreasonably persistent complainants'?**

For the purpose of this policy, an unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include the following (not an exhaustive list):

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- uses Freedom of Information requests excessively and unreasonably;
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner;

- an insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- 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.
- making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced.
- abusive or threatening behaviour or language towards school staff.
- failing to specify grounds of the complaint, despite offers of assistance from the school.

### **3. What is harassment?**

We regard harassment as including 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 to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has an unjustifiably significant and disproportionate adverse effect on the school community.

### **4. School's responses to unreasonably persistent 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.

However, in cases of unreasonably persistent complaints or harassment, the school may take some 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 any future meetings with a member of staff to be conducted with a second 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 and that these may be required to be channelled through a third party chosen by the school, for example the Local Authority or County Solicitor;

- inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only;
- take legal advice on pursuing a case under Anti-Harassment legislation.

Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy.

### **5. Physical or verbal aggression**

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- take legal advice on pursuing a case under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

### **6. Right of appeal**

All persons who are notified by the school that they are being dealt with under this procedure have the right of appeal. Appeals must be addressed to the Chair of Governors under confidential cover, care of the school. The Chair of Governors will consider each appeal on its merits, consulting with the Headteacher as appropriate. The outcome of the appeal should be notified to the appellant and copied to the Headteacher within 10 working days of receipt.

## APPENDIX 1

### PROCEDURE TO BE FOLLOWED IN THE EVENT OF A GOVERNING BODY PANEL MEETING

- The Governing Body will at their autumn term meeting elect a panel, in accordance with the School Government Regulations for the resolution of complaints. At least three Governors will be selected for the panel [see separate notes of guidance on committees]

In the case of a complex issue, specific advice should be sought from the Education Directorate or the Legal Department.

- The clerk will arrange a suitable date and time for the meeting.
- The Complainant, the Headteacher and Chairman of Governors will provide the clerk with all documentation to be used at the meeting, at least ten days before the meeting takes place.
- The clerk will distribute all documentation to both parties and to the members of the panel at least seven days before the meeting.
- The Complainant, the Headteacher and Chairman of Governors will be advised by the clerk that they may be accompanied by a friend or representative at the meeting.
- The normal procedure to be followed at the meeting is as set out below. Provided he/she is satisfied that it will give all parties an opportunity to present their case, the Vice-Chairman may vary this procedure with advice from the Clerk.
  - The panel will be chaired by the Vice-Chairman and he/she will make arrangements for a note taker to be present. In the absence of the Vice-Chairman the panel will agree a chairman for the meeting.
  - The Chairman explains the purpose of the meeting and introduces those present.
  - The person calling the meeting presents their case.
  - The panel will have an opportunity to question the person calling the meeting.
  - The respondent presents their case.
  - The respondent can be questioned by the panel.
  - Both parties state any final points they wish to make.
  - Both parties withdraw.
  - The panel consider the case and then write to both parties within seven working days to advise them of their findings and their reasons.
- The panel does not have any disciplinary powers. Should they reach a conclusion that there is a possibility that an employee may have behaved unprofessionally the matter must be referred to the officers of the LA and/or Diocesan Education Office.
- If the matter has not been resolved by these procedures the complainants may be referred to the LA (or in the case of voluntary aided schools) the Diocesan Education Office.