



Leonard Stanley C of E Primary School

Policy and Guidance for Dealing With

Complaints

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The purpose of this document is to provide guidelines that schools can use when developing or reviewing their processes for dealing with concerns and complaints.

It was developed after consulting:

- Complaints in Schools - A Report and Model General Complaints Procedure- RISE 1997
- DfES School Complaints Procedure Non statutory Guidance 2007
- Good practice of other Local Authorities
- Head teachers" representatives within Gloucestershire
- Running a Complaints System - The Local Government Ombudsman 2009
- School Complaints Procedures (England) - A guidance document from the NAHT 2009

Education Act 2002

Schools must have a "general" procedure for dealing with complaints that are not covered by other statutory procedures including admissions, exclusion from school, SEN, religious education and collective worship. For more information about complaints concerning statutory procedures, see www.gloucestershire.gov.uk/complaints and follow the link to How to complain about a school.

Section 29 of the 2002 Act requires governing bodies to:

- Establish and to publicise procedures for dealing with all complaints relating to the school or to provision of facilities or services.

- Have regard to any relevant guidance given from time to time by the Secretary of State.

The Importance of Teaching

The Schools White Paper 2010

In 2009 The Apprenticeships, Skills, Children and Learning Act extended Local Government Ombudsman (LGO) power to consider parent and pupil complaints about state schools.

The Importance of Teaching states: „Schools are best placed to address parents" concerns – and in almost every case, teachers and head teachers can resolve concerns and issues quickly and easily.

Sometimes parents and schools have issues that cannot be resolved locally, and so we will make sure that parents have a route to complain in the most cost effective way, repealing the 2009 legislation."

2 Definitions

Concern

A concern can be defined as an expression of a worry about possible danger or apparent failure in respect of the school. A matter should be viewed as a concern if it is capable of being resolved locally and does not require a formal response.

Complaint

A complaint can be defined as an expression of dissatisfaction with the school. It requires a formal response. The school should deal with any matter as a complaint when:

- the person raising the matter requests it at any point.

or

- when informal attempts to deal with the concern have been exhausted and the person who raised the concern remains dissatisfied.

3 Parents' involvement in school

There is considerable evidence to show that parents' commitment to their child's learning is the most important influence on their child's attainment, wellbeing and life chances. Consequently, there is an extensive range of publications relating to developing parental involvement in schools.

Most schools plan to include parents in their child's school in a range of ways, from pupil reports and parents' consultation evenings to Parent Councils and opportunities for parents to make their views known informally.

In addition, schools' websites and newsletters now keep parents regularly informed about new developments in school as well as existing policies and procedures.

This drive to increase participation by parents in school has led to a steady increase in the number of queries received by schools from a variety of people on a daily basis.

Many of these people are likely to have valuable ideas to contribute to schools and most of the queries received by schools represent positive involvement in the school

community that the school can use as opportunities to:

- listen to children, parents and other stakeholders.
- identify opportunities to do things better.

In most cases, staff can resolve queries easily by providing information or through discussion at an informal meeting. However, any interaction has the potential to develop into a complaint.

4 General Principles

Each school's Governing Body is responsible for the complaints policy that will complement other key policies e.g. learning and teaching, child protection, behaviour, SEN.

It may be useful to base the complaints policy on the following key ideas that apply to both informal and formal processes.

Responsibility

The responsibility for dealing with general complaints lies with the school. LA officers will re-direct the complainant to the school for internal investigation.

Scope

Parents of registered children and other stakeholders involved with the school or school facilities should have access to the complaints procedures.

Procedures should include provision that, "it would not be appropriate to investigate an

anonymous complaint unless there are exceptional circumstances". Head Teachers or Governing Bodies can use their discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

Processes

Procedures should:

- Ensure that resolution of *concerns* is achieved through an informal process.
- Set out correct channels through which complainants should pursue their *complaint*. Any complaints policy may include as many stages and processes as the school governing body believes to be fair and practical.
- Include a review process in the event that a complainant believes the appropriate investigative procedures have not been followed.

There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants.

Approach

All stages of the complaints procedure should be investigatory, with a focus on learning the facts and avoiding antagonistic adversarial approaches.

Personnel

Every school should have a named person to receive record and monitor complaints. In most schools, particularly primary schools this will be the Head Teacher.

Wherever possible, the Head Teacher or the chair of governors acting alone should not conduct any meeting with complainants.

Governors involved in the process should, wherever possible, receive training and/or seek advice from the LA for their role. This is important to avoid the risk that governors, especially the chair, may become involved at a stage that is inappropriate.

Reporting

If complaints are to contribute to raising the quality of education provided by a school, then senior staff and governors will need to be responsible for recording and monitoring.

Advice to complainants of the outcome of their complaint must not include confidential information, as this could be prejudicial in terms of employer /employee relationships. If the outcome of the complaint procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid.

Alternatively, it may be right to offer:

- an apology
- an explanation
- a reassurance that the school is working to minimise/prevent recurrence of the matter raised
- an undertaking to review school policies or practices in the light of the complaint

or, in appropriate circumstances, reasonable financial compensation.

Fear of litigation should not prevent a school from admitting when mistakes have been made.

Time scales

Procedures should be as speedy as possible - consistent with fairness to all concerned.

There should be clear time scales for lodging and processing complaints with a definite end-point to any process. After this, the matter should be closed as far as the school is concerned.

Each stage of the process should have known time limits. Where it is not possible to meet these, the person dealing with the complaint will provide information about progress to the complainant.

Clear procedures for dealing with enquiries, concerns and complaints help staff to direct them to the appropriate person for resolution.

By taking concerns seriously at the earliest stage, schools can minimise the number that become formal complaints.

5 Dealing with complaints. Informal stages

Informal stage

The school complaints procedure should encourage the person with a concern to speak to a member of staff about the issue in the first instance.

All staff should be clear about the difference between a concern and a complaint along with the procedures for dealing with complaints.

Generally, when responding to any concern, staff should be encouraged to:

- get all the information - ask questions.
- find out what the person wants and manage expectations by explaining what the member of staff can do.
- listen to understand, rather than make assumptions about the person's motivation.
- be gracious and empathetic rather than unconcerned or dismissive.
- use clear communication at all times pitched to the person - neither 'over their heads' nor talking down to them.
- take action: deal with it or pass the query on to someone else.

Publicity

A summary of how the school deals with complaints should be included in the information that is given to new parents when their children join the school, and in the information given to the children themselves. It is essential that the School Prospectus and the Home to School Agreement include information about the General Complaints Procedure.

Training

It can be helpful for staff to have training in recognising concerns as well as dealing with complaints.

This can be addressed individually as part of a performance review or as a whole team through staff meetings or training days to ensure all staff are confident in dealing with concerns and complaints consistently.

See Appendix 1

Any effective, agreed approach for dealing with queries, concerns and complaints will be based on good communication and not simply about responding when a concern or a complaint about the school is raised. Schools that plan and review a communication strategy including a clear complaints procedure will ensure they build positive, constructive relationships with all stakeholders.

Many concerns will never become complaints. However while not all concerns are complaints, all complaints can be a way of expressing concerns.

Parents and other stakeholders need to feel confident that it is worthwhile to raise complaints because it is apparent that the school will investigate them fairly. People involved with the school are likely to trust the complaints procedures if these are well publicised and the school has built a reputation for handling complaints well.

See Appendix 2

6 Dealing with complaints. Formal stages

Stage 1 – Head Teacher

If, having been through the informal stage of the procedure the complainant is not satisfied with the outcome, there must be an opportunity

to progress to the formal stage of the procedure.

The first stage of the formal process is for the Head Teacher of the school or the Deputy to investigate and respond to the complaint.

Stage 2 - Chair of Governors

If the complainant is not satisfied with the outcome of Stage 1, then they have the right to submit their complaint to the Chair of Governors of the school who will conduct an investigation and review the complaint. Any complaint about the Head Teacher will start at stage 2.

Stage 3 Review - Panel of Governors

If the complainant believes that the school did not follow the complaints procedures correctly, they can request that the governing body conduct a review into the process followed by the school in handling the complaint.

A panel of three members of the governing body should carry out any review.

Any complaint about the governing body should be delegated to a named governor (e.g. the Chair of the Governing Body), or to a complaints panel previously convened by the full Governing Body.

Secretary of State for Education

The complainant has the right to appeal to the Secretary of State for Education. The Secretary of State for Education will investigate complaints where a Governing Body has acted „unreasonably“ or illegally in coming to their decision.

Ofsted

Ofsted has powers to investigate complaints from parents about schools. Examples of complaints include:

- The school is not providing a good enough education.
- The children are not achieving as much as they should, or their needs are not being met.
- The school is not well led and managed or is not using its resources efficiently
- The children's personal development and well-being are being neglected.

Ofsted will not usually consider a complaint if a complainant has not first followed the schools' complaints procedure and will not normally investigate cases to do with individual children.

Sharing of information and destruction of files

Throughout the process of investigating complaints, it may be necessary for information relating to a complaint to be shared within the school environment with teachers, the Head Teacher and Governors.

The school needs to be mindful of confidentiality rules and the Data Protection Act 1998 when handling complaints and discussing issues relating to the complaint.

The school is required to keep any personal information relating to a complaint in a secure manner for a period of 6 years.

7 The LA role

A complainant has no statutory right of appeal to a LA or Diocesan Board in relation to a non-statutory complaint.

The duty of care for head teachers as employees varies according to the type of school. In community or voluntary controlled schools, the duty of care rests with the LA. In foundation or voluntary aided schools, it is with the governors, and in Academies, governors' powers are normally restricted: the duty of care resting with the sponsor or academy chain.

8 Vexatious complaints

Occasionally, even though the school has followed all stages of the procedures, the complainant remains dissatisfied.

If the complainant tries to reopen the same issue, or persists in making representations to the school, this can detract from the school's responsibility to look after the interests of all the children in its care as well as cause considerable stress for any staff and governors involved.

Schools complaints policies need to promote confidence in closing correspondence (including personal approaches, letters and telephone calls) on a complaint where they feel that they have taken all reasonable action to resolve the complaint.

The Chair of the Governing Body can inform the complainant in writing that the particular complaint has been dealt with in previous correspondence, that the procedure has been exhausted and that the matter is now closed at school level.

This does not preclude a complainant contacting the Secretary of State for Education.

The school will need to take care to deal with complaints about new issues, but a letter from the Chair of Governors may relieve staff from the need to respond to something that is complained about repeatedly.

Appendix 1: Responding to concerns

Any good complaints procedure relies on a positive school ethos that values feedback and is characterised by a commitment to active listening and tolerance. Schools can use a number of theories and approaches to inform their practice including the following:

Solution Focused Thinking

Research has shown that solution focused conversations tend to have a positive effect in less time than conflict focused conversations. (Stams et al., 2006)

Solution focused conversations revolve around four main questions:

- What is your best hope?
- What difference would that make?
- What is already working to move things in the right direction?
- What would be the next step?

This approach allows people to acknowledge the seriousness of a situation, but presumes that what matters now is the future.

www.brief.org.uk

Interest-Based Relational Approach

This conflict resolution strategy aims to respect individual differences and helps people avoid becoming entrenched in a fixed position. It is based on the following principles:

- Prioritise good relationships. As far as possible, build mutual respect and treat others calmly. Be courteous to one-another and remain constructive under pressure.
- Keep people and problems separate: Recognise that in many cases the other person is not just "being difficult" – real and valid differences can lie behind conflicting positions.
- Pay attention to the interests that are presented: By listening well you can understand why the person is adopting their position.

www.pathwayscoaching.net/blog-articles

Mediation skills

All school staff can use mediation skills to deal with concerns raised on a daily basis. This would not represent a formal mediation process.

Most mediation processes help the people involved to distinguish between „Positions“ and „Interests“. Questions that help people to identify their interests tend to move conversations away from conflict towards consensus making it easier to agree solutions to concerns raised.

Positions: People in conflict have a natural tendency to think and talk in positions. Positions are statements or demands framed as solutions.

eg My son needs to be in a higher maths group.

Interests: Underneath the arguments of positions lie interests. Interests are broader than positions. They encompass such things as needs, concerns, and hopes.

eg I want my son to be suitably challenged in maths so that he might do well in exams.

www.au.af.mil/au/awc/awcgate/va/mediation

For more information about developing these approaches in school, contact the AEO for your school.

Appendix 2: Investigation Procedure

The school should always investigate an allegation or a complaint thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious.

Preparing for an Investigation

On receipt of any formal complaint, the school should send a written acknowledgment and commitment to investigate the complaint and notify the complainant of the outcome of the investigation in due course.

Where necessary, the investigator should confirm the nature of the complaint with the complainant eg through an initial meeting to establish a clear understanding of the complaint. Any member of staff against whom a complaint has been made should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them.

Once the nature of any complaint has been established, the school needs to determine which procedure is most appropriate, and to select an appropriate person to conduct any investigation.

Conducting the investigation

The investigation must be carried out in accordance with the provisions of the relevant procedure.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Children should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger children be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in his/her own way. Their responses should be listened to attentively. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint.

The investigator will not reach conclusions or pass judgement until the investigation has been completed and their report is being written.

Concluding the investigation

The report may contain:

- a brief outline of the process that has been followed.
- a statement of the complaint/concern.
- a summary of the findings, linked to the relevant evidence.
- any recommendations for future action.
- appendixes containing copies of witness statements and other evidence collected during the investigation.

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school can seek advice from the Information Management Service at Shire Hall - 01452 425071.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised when reporting to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she might, if he/she is not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

School Complaints Procedure

General Principles:

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, the school will not consider any complaint that was raised more than 3 months after the event

Raising a concern or complaint

Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone 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 by this informal stage.

In the case of serious concerns, it may be appropriate to address them directly to the Head Teacher (or to the Chair of the Governing Body, if the complaint is about the Head Teacher).

If you are uncertain about whom to contact, please seek advice from the school office or the Clerk to the Governing Body.

Formal Stage

If your concern is not resolved at the informal stage you must put the complaint in writing and pass it to the Head Teacher, (or to the Clerk to the Governing Body, for the attention of the Chair, if the complaint is about the Head Teacher) who will be responsible for ensuring that it is investigated appropriately. A Complaint Form is provided to help you.

You should include details that might help the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement about what you hope might reasonably contribute to a resolution of the problem at this stage. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the Head teacher or to the Clerk to the Governing Body, as appropriate.

The Head Teacher (or Chair) may invite you to a meeting to discuss your complaint and to seek a resolution. If you accept that invitation, a friend may accompany you if you wish to help you in explaining the nature of your complaint.

It is possible that your complaint will be resolved through a meeting with the Head Teacher (or Chair). If not arrangements will be made for the matter to be referred to the Chair of Governors. In any case, you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

The Chair of Governors may invite you to a further meeting to discuss your complaint and to seek a resolution. Again, if you accept that invitation, a friend may accompany you to help you explain the nature of your complaint. In any case, you should learn in writing, usually within 5 working days of the Chair of Governors receiving your formal complaint, of the outcome.

If you are not satisfied with the way in which the process has been followed, you can request that the governing body reviews the process followed by the school in handling the complaint. You must make this request 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. A Review Request form is provided for your convenience.

Review Process

A panel of three members of the governing body will conduct any review of the process followed by the school. This will usually take place within 10 school days of receipt of your request.

The governors on the review panel will normally consider written submissions, but will sympathetically consider any reasonable requests to make oral representations.

The panel will first receive written evidence from the complainant of perceived failures to follow the procedure.

The panel will then invite representatives of the school (Usually the Head Teacher 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 representatives, will be informed in writing of the outcome, usually within 5 school days of the panel meeting.

The matter will then be closed as far as the school is concerned.

If you believe that the Governing Body has acted illegally or arbitrarily in handling the complaint, then you may make representations to the Secretary of State for Education.

(Name) School Complaint Form

Please complete this form and return it to Head Teacher (or Clerk to the Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.



Your name:	
Your Address:	
Daytime telephone number:	
Evening telephone number:	

Relationship with school eg parent of a child on the school's roll	
Child's name (if relevant to your complaint):	

Please give concise details of your complaint, (including dates, names of witnesses etc), to allow the matter to be fully investigated:
You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached	
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What action, if any, have you already taken to try to resolve your complaint? (ie whom have you spoken with or written to and what was the outcome?)

What do you hope might reasonably contribute to a resolution of the problem at this stage?

Signature:

Date:

School use:

Received by:		Date	
Acknowledgement sent by:		Date	
Complaint referred to:			
Name		Date	
Name		Date	
Name		Date	

(Name) School Complaint Review Request Form

Please complete this form and return it to Head Teacher
(or Clerk to the Governing body), who will acknowledge its
receipt and inform you of the next stage in the procedure.



Your name:	
Your Address:	
Daytime telephone number:	
Evening telephone number:	

Dear sir/madam
I submitted a formal complaint to the school on
Date:

My complaint was submitted to
Name:

and I received a response from
Name:
on
Date:

I have attached copies of my formal complaint and of the responses from the school.

I am dissatisfied with the way in which the procedure was carried out because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached	
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What do you hope might reasonably contribute to a resolution of the problem at this stage?

Signature:
Date:

School use:			
Received by:		Date	
Acknowledgement sent by:		Date	
Complaint referred to:			
Name		Date	
Name		Date	
Name		Date	

Appendix 4: Model Letters

a) Response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Governing Body's Complaints Procedure as:

[It will be appropriate to include SOME of the following statements]

- you have not identified any specific actions of which you might complain.
- you have presented complaints as conclusions rather than specific actions of which you complain.
- the issues that you identify relate to historical actions and any evidence that might have enabled an objective investigation of your complaint is no longer available.
- the substance of your complaint has been addressed under this procedure already.
- the complaints that you raise do not fall within the scope of this procedure.
- you have not identified any potential sources of evidence that might allow the matter to be investigated.

If you want a panel of governors to review my decision, then you may take advantage of the procedure set out in the school's Formal Complaint Procedure, by writing to the Clerk to the Governing Body.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

b) Acknowledgement of receipt of formal complaint and invitation to meet

Dear

I have received your formal complaint, dated... Thank you for bringing this to my attention.

The school and governing body take any complaint most seriously. Therefore, I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to bring a friend to the meeting, if you would find this helpful. Please telephone my secretary, in order to arrange an appointment. I can offer you an appointment at on... Please let my secretary know if this is convenient.

I hope that we will be able to resolve your complaint through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours sincerely,

Head Teacher
or Chair of Governing Body

c) Notification of decision regarding formal complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith, I/we will reconsider this decision.

OR

The complaint is not substantiated by the evidence in that ...

OR

The complaint was substantiated in part/in full, as ... The school will review its practices/procedures...with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur

OR

In order to address fully the matters that you identified, the panel recommended that the governing body should review its ... policy, as a matter of urgency. We are confident that this should prevent similar complaints arising in future

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher/Chair of Governing Body/Chair of Panel

d) Review outcome notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons ...

Therefore, the matter is now closed as far as the school is concerned.

OR

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except ...
Therefore, the following action will be taken ...

Once this action has been completed, the school will consider the matter to be closed.

OR

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except ...

However, the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel
cc Head teacher Chair of Governors

Raising Concerns and Resolving Complaints

From time to time parents, and others connected with the school, will become aware of matters that cause them concern. To encourage resolution of such situations the Governing Body has adopted a “School Complaints Procedure”.

The procedure is devised with the intention that it will:

- usually be possible to resolve issues by informal means.
- be simple to use and understand.
- be non-adversarial.
- provide confidentiality.
- allow problems to be handled swiftly through the correct procedure.
- address all the points at issue.
- inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from our website, the School Office or from the Clerk to the Governing Body.

Model School Policy for Handling Unreasonably Persistent, Harassing or Abusive Complainants

The Head Teacher and Governing Body are fully committed to the improvement of our school. We welcome feedback and will always try to resolve any concerns as quickly as possible. There is a procedure for parents and other stakeholders to use if they wish to make a formal complaint.

Sometimes, however, individuals treat staff and others in a way that is unacceptable in the pursuit of complaints or other issues. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by ‘an unreasonably persistent complainant’?

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:

Actions that 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

An insistence on

- pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints
- pursuing justifiable complaints in an unreasonable manner eg using abusive or threatening language; or 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 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 issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others.
- it has a significant and disproportionate adverse effect on the school community.

What does the school expect of any person wishing to raise a complaint?

The school expects anyone who wishes to raise a complaint with the school to:

- treat all members of the school community with courtesy and respect.
- respect the needs of children and staff within the school.

- avoid the use of violence, or 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.
- follow the school's complaints procedure.

Schools' 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 and other stakeholders 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 all 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 the Governing body.

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).
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996. **Legitimate new complaints will always be considered, 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 subject to the policy.

Useful addresses

Area Education Officers

www.gloucestershire.gov.uk/aeo

Customer Feedback Officer – (log of complaints reported by complainants)

www.gloucestershire.gov.uk/complaints

Children and Young People's Directorate,
Shire Hall,
Gloucester,
GL1 2TP

Governor Services – (advice and training for governors)

www.gloucestershire.gov.uk/schoolsnet/governors

Shire Hall
Westgate Street
Gloucester
GL1 2TP
Telephone: 01452 425113.
Fax. 01452 427297.
e.mail - governor.services@gloucestershire.gov.uk

Ofsted

Enquiries
National Business Unit
Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA
Telephone: 08456 404045

The Secretary of State

Department for Education
Sanctuary Buildings
Great Smith Street
London SW1P 3BT
Telephone: 0870 000 2288

Flowchart - Summary of complaints procedures

Concern raised and heard by staff member

Issue not resolved

Issue resolved

End of process

Informal Processes

Formal Processes

Complaint heard by head teacher

- Complainant invited to the meeting by letter
- Complainant informed of outcome of investigation in writing

Issue resolved

End of process

Issue not resolved

Complaint heard by Chair of Governors

- Complainant invited to the meeting by letter
- Complainant informed of outcome of investigation in writing

Issue resolved

End of process

Complaint about processes followed

Review by Governor's Complaint Panel

- Complainant sent written acknowledgement of complaint
- Complainant sent letter confirming panel decision

Issue resolved

Issue not resolved

Complainant given details how to refer complaint to DfE or Ofsted

School based complaints officer informed of the outcome

End of process

**This guide was written by the AEO team www.gloucestershire.gov.uk/aeo
Please contact Teresa Mcilroy on 01452 328042 if you have any questions.**