

Complaints Policy



Normand Croft Community School

An International Family of Learners

Policy Agreed

Autumn 2018

Frequency of Review

At least every three years or subject to statutory adjustment

Framework of Principles

- a. The school's governors and the Head Teacher are committed to providing the best educational experience they can for all pupils attending this school. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.
- b. Our complaints procedure:
 - i.* encourages resolution of problems by **informal** means wherever possible;
 - ii.* is easily **accessible** and **publicised**;
 - iii.* is **simple** to understand and use;
 - iv.* is **impartial**;
 - v.* is **non-adversarial**;
 - vi.* allows **swift** handling with established **time-limits** for action and keeping people informed of the progress;
 - vii.* ensures a full and **fair** investigation by an independent person where necessary;
 - viii.* respects people's desire for **confidentiality**;
 - ix.* addresses all the issues and provide an **effective** response and **appropriate** redress, where necessary;
 - x.* provides **information** to the school's senior management team so that services can be improved.
 - xi.* considers serial or vexatious complainants appropriately.

2. Definition of complaint:

In accordance with section 29 of the Education Act 2002 (EA02), this school has a defined complaints procedure to remedy any legitimate complaint.

We consider a complaint to be any expression of dissatisfaction over the conduct or operation of the school or any staff employed by the school. This is differentiated from a 'concern', which would be a doubt or worry, that should be dealt with informally in the first instance.

Complaints can be made by any person. They are not restricted to parents or carers of children at the school, unless separate statutory procedures apply.

3. Definition of a complainant

- a. A complainant is someone:
 - i. who allegedly has been wronged
 - ii. whose child(ren) has been wronged (i.e. parent or carers or other person with parental responsibility) or
 - iii. someone representing a person in one of the above groups, for example a Councillor.
 - iv. is some other interested party

- b. Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent/carer is pursuing a complaint on their behalf, this can be done only with the express consent of the pupil or parent concerned.

4. Types of complaints

- a. **Statutory/established procedures (excluded complaints):** Some complaints have predefined statutory procedures for remedy, which should not be addressed through the school's complaint's procedure, because other procedures are available These include:
 - i. admissions to schools
 - ii. exclusions
 - iii. special education provision
 - iv. matters likely to require a Child Protection Investigation
 - v. school re-organisation
 - vi. complaints by school staff or prospective staff
 - vii. whistleblowing
 - viii. complaints about third party facilities users

- b. **Complaints not covered by established or statutory procedures**
 - i. **Stage 1 - Informal Stage:** All complaints, however received, should be reported to the Head Teacher. The Head Teacher may refer the complaint to an appropriate member of staff to resolve the matter. That member of staff will have a duty to inform the Head Teacher if any issue is not resolved after discussion with the complainant. Parents should be encouraged to settle the matter with the Head Teacher, class teacher or designated staff member. The majority of straightforward complaints and problems are likely to be resolved at this point.

- ii.* **Stage 2 - Head Teacher:** The second stage is where the parent/carer is not satisfied with the informal response. They should be advised to take up the matter in writing with the Head Teacher. The outcome at this stage may be:
1. no further action, with reasons given
 2. action within the Head Teacher's own powers
 3. referral to the Chair of the Governors for consideration.
- iii.* **Stage 3 – Chair of Governors:** The third stage is where the parent/carer is not satisfied with the informal response or feels it is not appropriate to contact the Head Teacher. They should be advised to take up the matter in writing with the Chair of Governors via the school. If the Chair of Governors undertakes the investigation at stage three, they will be exempt from sitting on any complaints committee convened to hear a complaint escalated to stage four. The outcome at this stage may be:
1. no further action, with reasons given
 2. action within the Chair of Governors own powers
 3. referral to the appropriate committee of the Governing Body for consideration.
- iv.* **Stage 4 - The Governing Body:** The fourth stage will be where the parent/carer is not satisfied with the outcome of the stage three investigation and response. They should be advised to put their concerns in writing to the clerk to the Governing Body for consideration by a governors' Complaints Committee. The Committee would meet within twenty school working days of the complaint being received by the clerk, subject to reasonable availability of all people concerned.

A panel of three governors, with delegated powers, would convene to hear the complaint at a meeting attended by the complainant, the Head Teacher and at least one witness. Written evidence is submitted in advance to all parties, to be distributed no less than 72 hours in advance, and verbal evidence given at the hearing.

The committee's decision is final and will be notified to all parties as soon as possible after the meeting. The outcome will be one of the following:

1. dismiss the complaint in whole or in part;
 2. uphold the complaint in whole or in part;
 3. decide on the appropriate action to be taken to resolve the complaint;
 4. recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- v. **Stage 5 – the School Complaints Unit (SCU):** If the complainant is still not satisfied with the outcome of a complaint and it's handling after stages 1-4 then they may address their concerns to the Secretary of State for Education via the School Complaint Unit.

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.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to.

The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

c. **Timescales**

The following limits should apply to all complaints handled under the procedure:

i. **Stage 1:**

It is reasonable that parents/carers seeking to resolve matters of concern to them should receive a response within **15 working school days** of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation or set out the steps that are proposed to resolve the complaint.

ii. **Stage 2:**

Should be responded to within **15 working school days** from receipt of complaint escalation.

iii. **Stage 3:**

Should be responded to within **20 working school days** from receipt of complaint escalation.

The longer time limit for Stage 3 reflects the fact that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant should be informed in writing of the reason for the delay and given an anticipated response date.

iv. **Stage 4:**

Should be responded to within **20 working school days**, subject to the reasonable availability of clerking or administrative staff to conduct a formal review.

v. **Stage 5:**

If your complaint remains unresolved after Stage 4, and you think your school, or school's Governing Body, is acting unreasonably, or is failing to carry out its statutory duties properly, you can write to the Secretary of State for Education at the SCU.

This should be a last resort and your complaint should highlight in your letter the steps you have already taken to resolve the problem and enclose all previous correspondence relevant to the complaint. The Department for Education (DfE) will not usually be able to investigate your complaint if your child no longer goes to the school where the incident took place.

5. Unreasonable complaints

- a. In rare circumstances the school, or the Governing Body, may consider a complainant to be persistent, non-legitimate or, very exceptionally, vexatious.

Normand Croft will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, we will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. Our school will recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same or irrelevant points.

If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, Normand Croft will be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

- b. When considering whether a complainant has become persistent or vexatious, the school will consider the following points:
- i.* The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience;
 - ii.* Their letters/emails/telephone calls are often or always abusive or aggressive;
 - iii.* They make insulting personal comments about or threats towards staff.
- c. Normand Croft will consider a complaint to be persistent, vexatious or otherwise non-legitimate if a complainant:
- i.* refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - ii.* refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
 - iii.* refuses to accept that certain issues are not within the scope of a complaints procedure;
 - iv.* insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - v.* 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;
- vi.* makes unjustified complaints about staff who are trying to deal with a complaint
 - vii.* changes the basis of the complaint as the investigation proceeds;
 - viii.* repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - ix.* 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;
 - x.* seeks an unrealistic outcome;
 - xi.* makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or telephone.
- d. 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:
- i.* maliciously;
 - ii.* aggressively;
 - iii.* using threats, intimidation or violence;
 - iv.* using abusive, offensive or discriminatory language;
 - v.* knowing it to be false;
 - vi.* using falsified information;
 - vii.* publishing unacceptable information in a variety of media such as in social media websites and newspapers.

6. Barring from school premises

- a. In the most exceptional of circumstances it may be required to bar a complainant from the school premises.
- b. 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.
- c. If a parent/carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head Teacher or the local authority can notify them in writing that their implied license 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.
- d. Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher 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.