

# Giffards Primary School

## Complaints Policy

This policy was agreed by staff and adopted by governors on 10<sup>th</sup> October 2019

To be reviewed Autumn term 2022 unless required earlier

Signed \_\_\_\_\_

Chair of Governors

This policy also includes the management of serial and unreasonable complaints and the Policy for dealing with persistent or vexatious complaints/Harassment in schools.

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

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Giffards Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **2. The difference between a concern and a complaint**

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Giffards Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Giffards Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **3. How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should initially be raised with either the class teacher, member of the leadership team or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 4 of the procedure.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Mrs S Bryant (the Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential.

For ease of use, a formal complaint form (for stages 2/3/4) ( appendix 1) is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

#### 4. Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

#### 5. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

#### 6. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

#### 7. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Giffards Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <a href="#">Thurrock Local Authority</a>
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none"><li>• Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
<ul style="list-style-type: none"><li>• Staff grievances</li></ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Giffards Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 8. Resolving complaints

At each stage in the procedure, Giffards Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## 9. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing

## 10. Raising a concern or making a complaint

Giffards Primary school Complaints Policy has four main stages. In summary these are as follows:

- Stage 1: Informal Complaint heard by Staff Member, this could also include the Headteacher
- Stage 2: Formal - A complaint is heard by Head / member of SLT
- Stage 3: Formal - Complaint is heard by the Chair or Vice Chair of Governors
- Stage 4: Formal - Complaint is heard by the Governing Body’s Complaints Appeal Panel

### 10.1 Informal

#### Stage 1: Complaint heard by Staff Member

- 10.1.1 It is in everyone’s interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in

determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

- 10.1.2 In most cases the first person to speak to will be the class teacher. The class teacher may refer the complainant to another staff member if appropriate.
- 10.1.3 Please do not arrive at the school expecting to be seen by a member of staff as they are very likely to be teaching or have other engagements. Please make an appointment through the admin office to see the class teacher. This will ensure sufficient time is allocated to listen carefully to your concerns. The matter may be able to be resolved through this discussion or may require the teacher to investigate or discuss with others. If this is the case, you will receive an informal (can be verbal) but informed response within 5 school working days.
- 10.1.4 Sometimes it is helpful to remain at the informal stage but be heard by a more senior member of staff. This can also be used as part of the stage 1 informal process where the teacher is not the most suitable person to discuss your complaint with because they have no knowledge of the situation or your complaint falls outside of their remit.
- 10.1.5 The majority of concerns will be satisfactorily dealt with in this way. However if you are not satisfied with the outcome at stage 1, please write to the school within 10 school working days and state why you do not think that the concern has been dealt with to your satisfaction. The school will then look at your complaint at the next stage. If you have difficulties writing the school can arrange for someone to note your complaint.
- 10.1.6 Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern; we will endeavour to respond as quickly as possible but will be within 48 hours/ 2 school working days. Parents can see teachers when children are collected at the end of the day, there is a parent drop in session every Wednesday morning at 8.30-9.30am and Thursday afternoons from 2.30pm- 3.30pm for SEN and pastoral concerns, in addition to two Parent evenings in the academic year to enable parents to raise concerns with class teachers. It is also possible to pass a handwritten note to the member of staff on playground duty in the morning or via the school office. Parents are welcome to call the office with a concern, this will be dealt with as soon as possible but teachers are unable to leave their class during lessons. See Parent communication policy for further details on timescales for responses.

## **10.2 Formal**

### **Stage 2: Complaint heard by Head / member of SLT**

10.2.1. In order for a complaint to be considered by the Headteacher, full details of the complaint must be provided – see Appendix 1 ('Notification of Formal Complaint') must be completed and used for this purpose. This ensures that the Headteacher has all the information required to conduct the investigation into the complaint thoroughly. The complaint should be addressed to Giffards Primary Headteacher

10.2.2. The complaint will be logged including the date received and the school will acknowledge receipt of the complaint within 3 school working days.

10.2.3. A meeting may be convened with the headteacher/SLT to discuss the matter further, but could be addressed via an internal investigation with a written response. If a meeting is convened, this will take place within 10 school working days. If you do not speak English you may bring an interpreter with you to this, or any subsequent meetings. The aim will be to resolve the matter as speedily as possible.

10.2.4. Upon completion of the investigation the Headteacher will write to the complainant with the findings of that investigation usually within a further 10 school working days.

10.2.5 The aim will be to resolve the matter as speedily as possible. However, if the complainant is not satisfied with the result at Stage 2 they should contact the school within 10 school working days of receiving their written response, to submit a written complaint to the Chair of Governors NB ( via Mrs S Bryant, Clerk to

the Governing body). If a complainant wishes to make a formal complaint about the conduct of the Headteacher, this should be put in writing to the Chair of Governors (moving straight to Stage 3, below, of the procedure).

### **10.3 Stage 3: Complaint heard by the Chair or Vice Chair of Governors**

10.3.1 If the matter has not been resolved at Stage 2, then a written complaint will need to be sent to the Chair of Governors ( via Mrs S Bryant, clerk to the governing Body) repeating the details of the complaint that was addressed to the Headteacher and explaining why the complainant is dissatisfied with the outcome of Stage 2. NB. No additional complaint or evidence, further to that submitted to the Headteacher at Stage 2 may be included at stage 3.

10.3.2..If the complainant is making a formal complaint directly about the conduct of the Headteacher, this should be submitted in writing to the Chair of Governors, care of the school. Full details of the complaint should be provided using the form in Appendix 1 ('Notification of Formal Complaint') and must be completed and used for this purpose

10.3.3. The Chair will acknowledge receipt of the communication within 5 school working days and will then oversee a full investigation of the issues raised, meeting with parents if necessary. On completion of a full investigation, the Chair will write to all parties to inform them of the outcome usually within a further 20 school working days

10.3.4. The outcome of the investigation would usually be one of the following but not limited to:

- A. The evidence indicates that the complaint was substantiated and therefore upheld;
- B. The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- C. There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- D. The complaint is not substantiated by the evidence and therefore not upheld

### **10.4. Stage Four: Complaint Heard by Governing Body's Complaints review Panel**

10.4.1. On the very rare occasion that the matter has still not been resolved at Stage 3, then the complainant may refer the matter to the Governing Body who will establish a panel of at least three people who have not been directly involved in the matters detailed in the complaint, one panel member will be a person who is independent of the management and running of the school. Complaints will never 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.

10.4.2. The complainant should write to the clerk, within 10 school working days of receiving the Chair of Governor's written response at Stage 3, asking for the matter to be considered by the Governing Body's Complaints Review Panel with delegated powers to hear complaints. They must also explain why they are requesting a review, and why they consider the response they have received to be unsatisfactory. NB. No additional complaint, evidence or information, further to that submitted at Stage 2. (or at Stage 3 to the Chair of Governors) may be introduced for consideration at this stage.

10.4.3. The Review Panel may only be convened in the context of a formal complaint where the complainant has already engaged with Stages 1,2 and 3 as per the information contained in this policy.

10.4.4.The Review Panel meeting will be convened normally within 20 working school days of receipt of the written request for Stage 4. The complainant will be notified of the time, date and venue of the panel meeting and invited to attend

10.4.5. The complainant may be accompanied by a friend or adviser if they so wish. For the avoidance of doubt, the person accompanying the complainant will be present for moral support only and will not play any part in

the proceedings, unless invited to do so by the Chair of the Governing Body's Complaints Review Panel, entirely at his or her discretion and for good reason.

10.4.6. The Review Panel meeting is not a legal hearing and it is not appropriate for either the complainant or the school to be legally represented. Generally, we do not encourage either party to bring legal representatives to the Review panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

10.4.7. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

10.4.8 If the complainant does not attend the panel meeting without notifying the Clerk to the Governing Body, the Review Panel meeting may still go ahead.

10.4.9 At least 7 school working days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are where possible convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school working days before the meeting.
- The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

10.4.11 Any documentation relating to the complaint will be circulated to the complainant and Review Panel prior to the meeting. Under normal circumstances this will be 3 school working days in advance of the meeting and will either be sent by recorded delivery to the complainant or could be collected from the school.

10.4.12. Review Panels are convened to review the school's response to a complaint.

10.4.13. The Review Panel's purpose, in each case, is to consider (not to re-investigate) the original complaint and the school's response to it, including its investigation and to make recommendations with reason to all those involved. The Review Panel's role is not to undertake a re-investigation of the case, nor to extend its reference beyond the above matters.

10.4.14. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

10.4.15. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

10.4.16. The role of the Review Panel is to review the actions and supporting evidence of the investigation under Stage 3. The Review Panel is not permitted to do the following

- to re-investigate the complaint;
- to reach a definite view on a point of law;
- to criticise the complainant for any "contributory negligence" that may have contributed to the difficulties;
- to be an alternative to a disciplinary hearing, as far as staff are concerned;

- to hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).

10.4.17. There are several points which any panel member on a Review Panel needs to remember:

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No person may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross section of the categories of governor and sensitive to the issues of race, gender, gender orientation and religious affiliation.

It has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

Panel members need to be aware of the complaints procedure.

10.4.18. The outcome of the Panel Review meeting may be, but not limited to, one of the following:

The Panel can

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part
- recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

10.4.19. The Chair of the Committee will provide the complainant and Giffards Primary School – the headteacher with a full explanation of their decision and the reason(s) for it, in writing, within 10 school working days.

10.4.20. The letter to the complainant will include details of how to contact the Department for Education/EFSA (for academies) if they are dissatisfied with the way their complaint has been handled by the appeal panel.

10.5. **Roles and Responsibilities** (at complaint stage 4)

10.5.1. The Role of the Clerk to the Governing Body

The Clerk to the Governing Body is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient for the panel
- liaising with the complainant to inform them of the dates of the panel hearing
- ensuring 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.

10.5.2. The Role of the Clerk to the Governing Body's Complaints Review Panel

The Clerk to the Governing Body' Complaints Review Panel is required to:

- record the proceedings/take minutes;
- notify all parties of the panel's decision

10.5.3. The Role of the Chair of the Governing Body

The Chair of the Governing Body is required to:

- check that the correct procedure has been followed;

- if a hearing is appropriate, notify the Clerk to the Governing Body to arrange the panel.

#### 10.5.4. The Role of the Chair of the Governing Body's Complaints Review Panel

The Chair of the Governing Body's Complaints Review Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- 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; each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. All relevant documentation is kept confidential;
- recommendations and findings should be recorded and distributed as appropriate.

NB. The Chair of the Governing Body's Complaints Review Panel has the right to adjourn the meeting.

#### 10.5.5. Notification of the Review Panel's Decision:

The Chair of the Governing Body's Complaints Review Panel needs to ensure that the complainant, Chair of Governors and where relevant, the person complained about is notified of the panel's decision, findings and recommendations within 10 working school days. A copy of the findings and recommendations should be available for inspection on the schools' premises by the Chair of Governors and Headteacher. The letter needs to explain if there are any further rights of appeal and if so, to whom they need to be addressed.

### **10.6. Complaints about the conduct of the Headteacher**

In cases where the matter concerns the conduct of the Headteacher, the Headteacher and Chair of Governors must both be informed in writing of your complaint. The Chair will arrange for the matter to be investigated as at Stage Three of the formal procedure. The Chair will give a written response within 14 school working days. If you are dissatisfied with the result, the complaint will be referred to the Complaints Appeal Panel as at Stage 4 above.

#### **10.7 If the complaint is:**

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 4 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of action that Giffards Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## Roles and Responsibilities at all stages

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality which includes not discussing the complaint outside of school.

### **Investigator for stages 2 and 3 (this could be the headteacher/member of SLT/other relevant person)**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

### **The investigator should:**

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or Chair of Governors that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

### **The complaints co-ordinator should:**

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding sharing third party information
- offer additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- keep a written record of the proceedings

- circulate the minutes of the meeting
- notify all parties of the committee's decision.

#### **Review panel Chair ( stage 4)**

The Review Panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

#### **Review panel Member ( stage 4)**

Review Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so  
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

## Managing serial and unreasonable complaints

Giffards Primary 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 our 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.

Giffards Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who excessively contact Giffards Primary 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 be reviewed after six months.

In response to any serious incident of aggression, violence or intimidation, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Giffards Primary School

## **POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN SCHOOLS**

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 Policy**. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

### **AIMS**

The aims of this policy are to: uphold the standards of courtesy and reasonableness that should characterise all communication between:

- the school and persons who wish to express a concern or pursue a complaint
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the school, including governors and parents
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment

### **PARENTS' EXPECTATIONS OF THE SCHOOL:**

Parents/carers/members of the public who raise either informal or formal issues or complaints with the school can expect the school to: inform them of the complaints procedure

- inform them of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in School respond within a reasonable time
- be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint
- respond with courtesy and respect
- attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice keep complainants informed of progress towards a resolution of the issues raised

### **THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC**

The School will expect parents/carers/members of the public who wish to raise problems with the School to:

- treat all school staff with courtesy and respect
- respect the needs and well-being of pupils and staff in the school, avoid any use, or threatened use, of violence to 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
- recognise that resolving a specific problem can sometimes take a longer time than expected (in the case of a complaint) follow the school's Complaints Procedure

**If the above is not adhered to the school reserves the right to refuse to investigate until the above behaviour is evident.**

### **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:

- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon pursuing complaints in an unreasonable manner
- 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 listed above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community and/or
- 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 SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR 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. This will be confirmed in writing.

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:

- inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of 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 may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only
- (in the case of physical or verbal aggression) consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban
- consider taking advice on pursuing a case under Anti-Harassment legislation
- reporting to the police any violent and threatening behaviour or behaviour which harasses any member of staff or shows discrimination to any member of staff.

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 Local Authority and/or other relevant organisations.

## Appendix 1

### Complaint Form to be completed for a formal complaint (stage 2, 3 or 4)

Please ensure you have read the complaints policy

Please complete and return to

Mrs Haslam-Davis – Headteacher – stage 2 complaint

Mrs S Bryant *Clerk to the Governing Body – stage 3 or 4*

We will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>    <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>

**Please give details of your complaint, including whether you have spoken to anybody at the school about it.  
Stages 1,2 and 3 as per the information contained in this policy must be followed first before stage 4.**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**