

Reviewed: August 2016

COMPLAINTS PROCEDURE/POLICY

BACKGROUND

The key message in dealing with complaints against a member of staff, the school, or the school governing body is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve concerns informally. In most cases the class teacher, the head teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. Only if initial attempts to resolve an issue are unsuccessful should formal procedures be invoked.

The Management Committee in the case of Northumberland Pupil Referral Unit has nominated the Headteacher to have responsibility for the operation and management of the schools complaints procedure. The progress of any complaint and the final outcome should be recorded. An informal complaint can be made in person or by telephone; however a record still needs to be kept to ensure that the complainant/ school have the same understanding of what was discussed and agreed. A pro forma for use by schools is attached as Appendix D.

It should always be kept in mind the ways in which a complaint could be resolved. It might be sufficient to acknowledge that the complaint is partly or wholly valid, and it may be appropriate to offer an apology; an explanation; an admission that the situation could have been handled differently; an assurance that the event complained of will not recur; an explanation of the steps that have been taken to ensure it will not happen again or an undertaking to review school policies in light of the complaint.

An effective complaints procedure will encourage resolution of problems by informal means wherever possible; be easily accessible and publicised; be simple to understand and use; be impartial; be non-adversarial; allow swift handling, with established time limits for action, keeping people informed of the progress; ensure a full and fair investigation by an independent person where necessary; respect people's desire for confidentiality; address all the points at issue and provide an effective response and appropriate redress where necessary; and provide information to the school's senior management team so that services can be improved.

The procedures are set out in Appendix A – D. There are separate arrangements, laid down by law to cover the following:

- complaints against the curriculum, collective worship and religious education
- appeals against admissions
- appeals against exclusions
- appeals about assessments and Statements of Special Educational Needs

For further guidance on any of the above please contact the Headteacher.

Appendix A

Complaints Procedure For use by parents and members of the public.

Stage One: Complaint Heard by Staff Member/Head teacher/ Chair of Management Committee.

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.

In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that he/she would have difficulty discussing a complaint with that particular member of staff he/she should be referred to another staff member. Where the complaint concerns the Headteacher, or a member of Management Committee, the complainant should be referred to the Chair of Management Committee.

Similarly, if a member of staff/head teacher/chair of Management Committee feels too compromised to deal with a complaint it should be referred to another member of staff or another member of Management Committee. The ability to consider the complaint objectively and impartially is crucial.

If a complainant first approaches a member of Management Committee, he/she should be referred to the appropriate person i.e. the member of staff concerned or the chair of Management Committee. **Management Committee members should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.**

It is hoped the majority of complaints can be resolved at this stage.

Stage Two: Formal Consideration of Complaint

If the complainant is dissatisfied with the way the complaint has been handled at stage one and wishes to pursue their initial complaint, the head teacher/chair of Management Committee may delegate the task of investigating the complaint to another staff member, or to another committee member, but not the decision on the action to be taken. Once the relevant facts have been established the Headteacher/Chair of Management Committee should relay the decision, and the reason for the decision, in writing to the complainant as soon as possible.

Stage Three: Complaint Heard by Management Committee's Complaints Committee

If the complainant is still dissatisfied with the outcome he/she should write to the Head teacher/Chair of Management Committee giving details of the complaint within ten school days of receipt of the decision letter. The Chair, or another nominated Management Committee member will convene a Management Committee complaints sub committee if they consider it appropriate after considering the report of the investigating officer.

The committee will consist of a minimum of three members with delegated powers to hear a complaint. The committee will be appointed by the chair of Management Committee with the chair of the committee being appointed when they meet.

The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint; recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur
- in reaching a decision the committee may take the advice of such bodies as they see fit, in particular the LEA
- once a decision has been reached the chair of the complaints committee may summarise the outcome and relay this informally to both parties
- the clerk of the complaints committee will inform both parties in writing of the decision within five school days of the date of the hearing

If having followed and exhausted all three of the above stages the complainant is still dissatisfied with the decision of the complaints committee they can ask the LA to review the decision. The request seeking a review must be received by the LA, addressed to the Head of Education, within ten school days of the date of the hearing.

There is also recourse to the Secretary of State or, if the complaint is against action taken, or not taken by the LA, it is possible for the complaint to be referred to the Local Government Ombudsman.

APPENDIX B

ROLES AND RESPONSIBILITIES DURING A FORMAL HEARING

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

The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However 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 allow the complainant to at least recognise that his/her complaint has been taken seriously.

An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting and that parents often feel emotional when discussing an issue that affects their child. The layout of the room where the hearing is to be held will set the tone and care is needed to ensure the setting is as informal as possible, given the circumstances.

The Role of the Clerk

The clerk will be the contact point for the complainant. It will be the clerk's responsibility to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties, and that the venue is accessible
- collate any written material and send it to both parties at least five school days before the date of the hearing
- meet and welcome both parties as they arrive at the hearing
- record the proceedings
- notify both parties of the committee's decision within ten school days of the date of the hearing

The Role of the Complaints Co-ordinator (Headteacher)

- check that the correct procedure has been followed

The Role of the Investigating Officer

- establish what has happened so far and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them if further information is required

- clarify what the complainant feels would put things right
- interview those involved in the matter
- keep notes of any interviews

The Role of the Chair of the Committee

The chair of the complaints committee needs to ensure that:

- the remit of the committee is explained to both parties
- the issues are addressed
- key findings of fact are made
- both parties are put at their ease
- the hearing is conducted in an appropriate manner, with each party treating each other with respect and courtesy
- the committee is open minded and acting independently
- no member of the committee has a vested interest in the outcome of the proceedings or has had any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- both parties see written material

APPENDIX C

PROCEDURE TO FOLLOW AT A COMPLAINTS COMMITTEE HEARING

1. The complainant (or his/her representative) shall present the case (which may be read or otherwise) in the presence of the respondent (and his/her representative) and may call witnesses at any stage during the presentation.
2. On completion of the presentation the complainant may be questioned firstly by the respondent (or his/her representative) and then by committee members.
3. The respondent (or his/her representative) shall present the case (which may be read or otherwise) in the presence of the complainant (and his/her representative) and may call witnesses at any stage during the presentation.
4. On completion of the presentation the respondent (and his/her representative) may be questioned firstly by the complainant (or his/her representative) and then by committee members.
5. Witnesses shall be excluded until called. For each witness called, the following procedure shall be adopted:
 - a) The witness shall be examined by the party calling the witness.
 - b) The witness may be questioned by the other party.
 - c) The witness may be questioned by the committee members.
 - d) The witness may be re-examined on any matter referred to in the original examination or in the questioning.
 - e) On completion of the above stages the witness shall leave the room. Wherever possible, the witness should be told at this point whether they are free to leave or are likely to be recalled.
6. The complainant and the respondent (or their representatives) may sum up their case if they so wish.
7. If at any stage new facts are alleged or new evidence produced, governors may adjourn the hearing (of their own volition or at the request of one of the parties) for so long as they think fit.
8. At the conclusion of the presentations the complainant and the respondent (and their representatives) shall leave the room.
9. Committee members shall deliberate in private in the presence of the clerk and any advisers. If they wish to clear a point of uncertainty on any evidence given, both parties shall be recalled even if only one party is to be questioned. The parties shall again leave the room after this process.
10. The chair of the committee may announce the decision in the presence of the complainant and the respondent (and their representatives). The decision shall be confirmed in writing within five school days of the date of the hearing.

NOTES

The proceedings should be conducted informally so far as circumstances permit. The basic order of presentation of "complainant first, respondent second" must not be altered but either party may break its presentation into stages with questions being invited from the other party and committee members at the end of each stage.

No assertion shall be taken into consideration unless it is supported by evidence given in person or in writing.

APPENDIX D

Complaint Form

Please complete and return to(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if applicable):

Your relationship to the pupil (if applicable):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

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:

APPENDIX E

Persistent Complaints/Harassment Policy

Having a policy on unreasonably persistent complainants and unreasonable complainant behaviour should help the school and its Management Committee deal with complainants in ways which are demonstrably consistent and fair. It also helps staff understand clearly what is expected of them, what options for action are available, and who can authorise these actions.

A persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. Harassment is 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 seek a solution.

The Persistent Complaints Policy is intended to be used in conjunction with the school's Complaints Procedure. Taken together, the two documents set out how the school will always seek to work with parents and others with a legitimate complaint in an attempt to resolve the issue.

Detailed records should be kept by the school on the frequency of contact, what action was taken and by whom. Details of the number of persistent complainants should be reported to the Management Committee as part of the Headteacher's report.

For use by staff in school.

This policy is intended to be used in conjunction with the school's Complaints Procedure. Taken together, the two documents set out how the school will always seek to work with parents and others with a legitimate complaint in an attempt to resolve the issue.

A combination of some or all of the following actions or behaviours may lead to the school invoking the procedure:

- refusing to specify the grounds of a complaint, despite offers of assistance from school staff
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refusing to accept that issues are not within the remit of the school's complaints procedure despite having been provided with information about the procedure's scope
- insisting on complaints being dealt with in ways which are incompatible with the adopted complaints procedure
- making what appear to be groundless complaints about the staff dealing with their complaint
- changing the basis of the complaint as the investigation proceeds, and or denying statements he or she made at an earlier stage
- introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered
- electronically recording meetings and conversations without the prior knowledge and consent of the other person involved
- adopting a 'scattergun' approach; pursuing a complaint or complaints with a number of people at the same time e.g the Local authority/ Member of Parliament/ Councillors/ Standards Board/ Police/ the Ombudsman
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous people, writing lengthy complex letters every few days and expecting immediate responses

- submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure again
- refusing to accept the decision- repeatedly arguing the point and complaining about the decision

Stage 1

If it is considered that any actions of an individual constitute unreasonable behaviour, or an individual is deemed to be an unreasonably persistent complainant the Headteacher or his/her designated representative, in consultation with the chair of Management Committee, will inform the individual informally that his/her behaviour is considered by the school to be unreasonable or unacceptable, and request a changed approach.

Stage 2

If there is no improvement in behaviour and those involved in taking the decision at stage 1 are satisfied that the complaint is being, or has been investigated properly; that any decision reached was the right one; that communication with the complainant has been adequate, and that the complainant is not now providing any significant new information that might affect the view on the complaint they will, after taking advice from the Director of Schools and Family Support, inform the complainant in writing that his/her behaviour falls under the terms of the persistent complainants/ harassment procedure.

A copy of the persistent complainants/harassment procedure must be sent to the individual with a letter giving details of any restrictions which will apply, which may include some or all of the following:

- all future meetings will be conducted with a third person present
- notes of meetings will be taken
- restrictions on the number and specified times for telephone calls (except in cases of emergency)
- specifying who the complainant is to communicate with
- the school will respond only to written communication from the individual
- informing the complainant that future correspondence will be read by the Headteacher or his/her designated representative and placed on file but not acknowledged unless it contains any relevant new information" or "information which in the school's opinion requires a response
- the individual may be banned from entering the school site
- an Anti-Social behaviour Order(ASBO) is to be requested
- that the individual will be prosecuted under anti-harassment legislation

The letter should also state the length of time the restrictions are to apply and that any **legitimate** new complaint will always be considered.

Stage 3

A persistent complainant has the right to appeal to the Management Committee. Any letter of appeal should be addressed to the Chair of Management Committee and **MUST** be received within ten school days of receipt of the letter referred to at stage 2. The Chair will convene a committee of the Management Committee to review the case. The persistent complainant will be informed in writing of the outcome of the meeting within five school days of the committee meeting.

A complainant also has the right to appeal to the Secretary of State, or where there is dispute about action taken or not taken by the Local Authority, to the Local Government Ombudsman.