

Hurworth School

Complaints Procedure

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Senior Leadership Team Lead Reviewer: Dean Judson

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Introduction

The purpose of this policy is to establish a robust system for dealing with compliments, complaints and comments within Hurworth School. All complaints will be dealt with in a prompt manner, but in a way that does not detract from the smooth running of Hurworth School.

Legislative Basis

Under Section 29 of the Education Act 2002, governing bodies of all maintained schools and nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

General Parental Complaints

The day to day running of Hurworth School is the responsibility of the Head Teacher & the Governing Body. Initially, parents should put their concerns in writing to the Head Teacher of the school (Appendix B). If the complaint remains unresolved, they should then raise concerns with the Governing Body.

There is no facility to complain to the Local Authority, therefore if the complainant is subsequently unhappy with the response that they receive, they may then refer the complaint to the Department for Education, setting out their concerns in full and enclosing all previous correspondence. The address is: DfE, Public Communications Unit, Sanctuary Buildings, Great Smith Street, London SW1P 3PT.

Roles and Actions

DfE guidance on developing and applying complaints policies and procedures strongly encourages schools and governing bodies to differentiate between concerns and complaints and in both cases to keep procedures for dealing with them as informal as possible.

The guidance recommends that schools:

- Establish a member of staff who will act as complaints coordinator and who will take the initial responsibility for handling complaints; this is currently the Head Teacher
- Take a 2-stage (small schools) or 3-stage (larger schools) formal procedure to reviewing and resolving complaints ; please note that Hurworth School has added an extra tier and has adopted a 4-stage formal procedure.
- Have formal, published procedures with time limits.
- Form a governors committee to deal with complaints that can not be resolved by the complaints coordinator or the Head Teacher
- Record complaints so that the overall level, nature and outcome of complaints can be reviewed and any necessary steps taken to improve policies and procedures.

General Principles of Complaints

The DFE are required to set up a procedure for dealing with certain types of complaint, for example, complaints about the curriculum or collective worship in a school. The Governing Body's complaints procedure does not replace the arrangements made for those types of complaints.

In addition, there are certain complaints which fall outside the remit of the Governing Body's complaints procedure, for example, staff grievances or disciplinary procedures.

Dealing with complaints – initial concern

Staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle of this policy 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 the concern informally. In most cases, the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. Staff should feel able to resolve issues on the spot, including apologizing where necessary; this is referred to as 'informal resolution'.

Dealing with complaints – formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The staff member responsible for that area of the complaint has responsibility for the

operation and management of the complaint. Should this person not be able to resolve the complaint the matter will be taken to the Head Teacher.

Framework of Principles

Hurworth School advocates the following principles-

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicized
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time limits for action and 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 re-dress where necessary
- Provide information to the school's Senior Leadership Team so that services can be improved

Investigating Complaints

At each stage, the person investigating the complaint (the complaints coordinator) will make sure they:

- 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 unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

Resolving Complaints

At each stage in the procedure the school will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix C and D for further details of how such complaints will be dealt with and examples of behavior by the complainant which will not be tolerated.

This complaints procedure is intended for parents/carers of children at the school or for someone with a direct association with the school. If the school believes the complainant does not meet these requirements it may decide to deal with the complaint as vexatious under Appendix C and D.

Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The Formal Complaints Procedure

The Stages of Complaint

The school complaints procedure has well defined stages as indicated on the flow data (Appendix A).

There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Head Teacher after a meeting with the complainant.

Hurworth School has adopted a four stage procedure:

- Stage One: complaint heard by staff member (though not if the subject of the complaint)
- Stage Two: complaint heard by the Head Teacher
- Stage Three: complaint heard by Governing Body's complaints appeal panel (Committee A)
- Stage Four: Complaint Appeal heard by Committee B (members drawn from the remaining members of the Governing Body who are not members of Committee A)

An unsatisfied complainant can always take a complaint to the next stage.

In the case of a complaint which concerns the conduct of the Head Teacher, the complaints coordinator may refer the complaint to the Chair of Governors. When the first approach is made to a Governor, the complaint should be referred to the complaints coordinator.

Managing and Recording Complaints

Recording complaints

The person dealing with the complaint will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

The records will be held centrally.

Governing Body Review

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not identify individuals.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

Publishing the Procedure

There is a legal requirement for the Complaints Procedure to be publicised. It is up to the Governing Body to decide how to fulfill this requirement but the Complaints Procedure could be included in

- The school prospectus
- The governors' report to parents
- The information given to new parents when their children join the school
- The information given to the children themselves
- The home-school agreement
- Home school bulletins or newsletters
- Documents supplied to community users including course information or letting agreements
- Posters displayed in areas of the school that will be used by the public, such as reception or main entrance
- The school website

Please note that Hurworth School has elected to post their Complaints Policy on the school website. This can be found at <http://www.hurworthschool.org.uk>.

Appendix A: Four Stage Complaints Procedure

Stage 1

- Complaint heard by member of staff
- Acknowledge receipt of complaint
- Ensure complaints coordinator informed of outcome
- Timescale = 5 working days from receipt of initial complaint.

If issue not resolved then move to Stage 2

Stage 2

- Complainant to put complaint in writing
- Complaint heard by Head Teacher or in the case of a complaint about the Head Teacher, then by the Chair of Governors.
- Acknowledge receipt of complaint
- Investigate complaint involving parties as necessary
- Write to complainant with outcome of investigation
- Ensure complaints coordinator informed of outcome
- Timescale = 10 working days from contact at Stage 2 (or earlier if possible)

If issue not resolved then move to Stage 3

Stage 3

- Complainant to put complaint in writing (if not already done so)
- Governors' complaints panel hearing arranged
- Issue letter inviting complainant to meeting
- Complaint considered
- Issue letter confirming panel decision.
- Ensure complaints coordinator informed of outcome.
- Timescale = 15 working days from contact at Stage 3 (or earlier if possible)

If issue not resolved then move to Stage 4

Stage 4

Appeals from Committee A decision will be heard by Committee B

The decision of Committee B is final. If the complainant remains dissatisfied with the outcome, the only recourse then is to complain direct to the Secretary of State at the DFE.

**APPENDIX B
HURWORTH SCHOOL DARLINGTON**

FORMAL COMPLAINTS FORM

Please complete and return this form to the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint: (continue on a separate sheet if necessary)

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

Continued overleaf.....

**APPENDIX B
HURWORTH SCHOOL DARLINGTON
FORMAL COMPLAINTS FORM continued**

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

Are you attaching any paperwork? If so, give details:

Signature:

Date:

OFFICIAL USE ONLY:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix C – Policy on unacceptable behavior by complainants

The Governing Body recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The Governing Body is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However the Governing Body does not expect Hurworth School staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school premises, including the yard.

If the Head Teacher considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Head Teacher will take action to restrict the complainant's contact with school.

Unacceptable actions and behaviours

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which school often finds problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that may come to our attention.

- Foul and abusive language towards staff, other parents and pupils.
- Behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, by e-mail or any other type of communication.
- Undermining school policies by actively encouraging pupils to ignore staff requests.
- Making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Combinations of some or all of these.

The decision to restrict access to our school will be taken by the Head Teacher. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only)
- requiring contact to take place with a named member of staff
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However the Governing Body will seek to limit any detriment to any pupils who attend Hurworth School, as far as is reasonable within these circumstances e.g. access to parents evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Appendix D – Policy on unreasonably persistent complainants

The Governing Body recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Governing Body is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the school.

However there are a small number of complainants who, because of their frequent contact with the school, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Head Teacher will take action to limit their contact with school.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the school's 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 a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the school and, at the same time, with a Member of Parliament/a councillor/the

authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.

- 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 school staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have 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.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

The decision to restrict access to Hurworth School will be taken by the Head Teacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.