

## Complaints Procedure & Policy

<b>Adopted:</b>	May 2016
<b>Review Date:</b>	Summer 2018
<b>Responsible for Review:</b>	Headteacher
<b>Committee for Review:</b>	Steering
<b>Frequency of Review:</b>	2 Years
<b>Statutory:</b>	Yes



**Summary of procedure for concerns and complaints:**

**Informal**

**STEP 1: Discuss concern with Form Tutor or Head of House**

Resolved	–	no further action
Unresolved	–	refer to STEP 2

**STEP 2: Meet with Headteacher or member of the Senior Leadership Team**

Resolved	–	no further action
Unresolved	–	refer to STEP 3

**Formal**

**STEP 3: Write a formal letter of complaint to the Headteacher  
or Chair of Governors as appropriate**

Resolved	–	written response, no further action
Unresolved	–	refer to STEP 4

**STEP 4: Formal Panel Hearing**

Resolved	-	written response, no further action
Unresolved	-	contact the Education Funding Agency

Please refer to the following procedure for details

### **Introduction**

Bungay High School is committed to providing the best education for our young people and wants our pupils to be healthy, happy and safe, and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

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 about actions taken or a lack of action’. There may be occasions when complainants would like to raise their concerns formally. In those cases, the school’s procedure will be invoked through the formal stages outlined within this procedure.

Governing Bodies are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints. It is expected that all complaints will be referred to the school in the first instance. In situations where it has not been possible to settle a complaint through this process parents can then refer the matter to the Education Funding Agency.

### **Scope**

Please note: There are separate procedures for dissatisfaction with a decision regarding admissions, exclusions, school reorganisation, statutory assessments of Special Educational Needs, a Child Protection investigation, whistleblowing, and for a complaint raised by a member of staff or their representative. Please refer to the school for full details.

### **General Principles**

- We aim to be receptive to genuine expressions of dissatisfaction.
- All complaints will be dealt with as quickly and efficiently as possible, depending on the complexity and gravity of the complaint.
- It will be our intention to deal with the complaint within a period that is reasonable in the circumstances.
- Complainants will be kept informed of progress and advised of timescales.
- Complainants may be accompanied by a friend, colleague or other representative.
- Complaints should to be made as soon as possible after an incident or issue arises; and should generally be lodged within three months.



**STEP 1: Informal – Discuss Concern with the Form Tutor or Head of House**

Please start by telling the Form Tutor or Head of House about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the Form Tutor or Head of House as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the Form Tutor or Head of House to make a brief written record of the concern raised and any actions agreed.

**STEP 2: Informal – Meet with the Headteacher, Associate Headteacher or a member of the Senior Leadership Team**

If you feel dissatisfied with the outcome of discussions with the Form Tutor or Head of House, please ask for an appointment to meet with the Headteacher, Associate Headteacher, or other member of the Senior Leadership Team.

- The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the Form Tutor so far and any actions arising from the initial meeting.
- It is in everyone's interest, particularly the student's, for concerns to be sorted out quickly and smoothly. However, it may be that the Headteacher or Senior Leadership Team member will need to look into what has happened since the initial meeting, before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.
- It is good practice for the Headteacher or Senior Leadership Team member to make a brief written record of the concern discussed and what has been agreed and to write to parents summarising this.

It is hoped that most problems will have been resolved at this stage through the Informal Process.



### **STEP 3: Formal – Letter of Complaint to the Headteacher**

If you feel that the issue you have raised has not been resolved through the Informal Process and you wish to pursue it further, you may raise it through the Formal Procedure. It is vital that any formal complaint follows these procedures; failure to do so could prejudice any investigation or appeal.

To do this you must write a formal letter of complaint to the Headteacher (you may use the form attached as Appendix A). Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

The Headteacher will acknowledge your complaint within 5 days and will investigate it carefully, thoroughly and fairly.

Moving to the Formal Complaints Procedure is a serious step. In consideration of future home/school relationships, everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.

The Headteacher will consider the complaint and in doing so should:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet or contact you if they need further information
- clarify what you feel would put things right if this has not been set out in your letter
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct any interview with an open mind and be prepared to persist in the questioning
- keep notes of any interview for the record.

It is recognised that on occasion another agency may need to be involved (for example, the police, children protection/safeguarding officer(s), etc.) and this will impact the actions and timescales of any investigation.



The Headteacher will 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; it may also 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 (NB. this is not an admission of negligence)
- 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 policies in light of the complaint.

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Headteacher will provide the outcome of his/her consideration of your complaint to you and should send a detailed written response within 20 school days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response. Investigation will not be compromised in order to meet any timescales.

### **Concerns or complaints specifically about the Headteacher**

Where you are unhappy about the decision the Headteacher has made about your complaint, this does not become a complaint about the Headteacher. If you feel that the complaint has not been resolved you should move to Step 4 of the procedure.

If you have a concern or complaint that is specifically about the Headteacher and which has not been resolved at the informal stage, then you must write a formal letter of complaint to the Chair of Governors.

The school will provide you with the name of the Chair of Governors and you should write to him/her at the school address, marking the envelope 'urgent, private and confidential'.

The Chair of Governors should acknowledge receipt of the letter within 5 school days, may offer to meet with you to discuss the complaint, and can nominate other Governors to assist.



The Chair will review the investigation of the Headteacher, or where none has yet been carried out will decide either to:

- Assume the role of the Headteacher as above in considering the complaint, in which case he/she may nominate other Governors to assist him/her.
- Nominate another Governor/s to carry out an investigation.

In carrying out the investigation, the Chair /Vice Chair/nominees may seek external guidance.

You will be advised of the timescales and will receive a detailed written response providing you with the outcome.

If you are not satisfied with this outcome you may request a Formal Hearing

Please see STEP 4.

#### **STEP 4: Formal Hearing**

If you remain dissatisfied and wish to appeal, please write to the Chair/Vice-Chair of Governors, stating your reasons and requesting a Formal Hearing.

**Please note that this request should be sent within ten working days of the receipt of the outcome of the Formal Stage at Step 3.**

On receipt of your request, the Chair/Vice-Chair of Governors will:

- Acknowledge receipt of your request within 5 school days
- Convene a panel of at least three people who have no previous knowledge of the complaint, one of whom must be independent of the management and running of the school.
- Consult all parties to find a suitable date within a reasonable timescale.

The Hearing will be conducted in accordance with the procedure summarised in Appendix B.

The decision will be communicated to you in writing as soon as possible and within five school days.

#### **Complaint not resolved through the Formal Procedure**

If, on conclusion of this procedure you believe that the school has not properly followed its Complaints Procedure or has not acted fairly or reasonably in responding to your complaint you may refer the matter to the **Education Funding Agency** (acting on behalf of the Secretary of State) by post at: Academies Central Unit (Academy Complaints), Education Funding Agency, 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH.

The EFA's role is to review the process, rather than the panel's decision; this is described in the EFA's '**Procedure for dealing with complaints about academies**', obtainable via their website.



### **Time Limits:**

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure must only relate to incidents or concerns occurring within the last 3 months. Your complaint will not usually be able to be considered if your child no longer goes to the school.

### **Exclusions to the policy:**

- **Safeguarding referrals** – schools have a duty to safeguard and promote the welfare of their students under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually Local Authority Children’s Social Care Services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.
- **Allegations of abuse** – allegations of abuse against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. In all cases the Suffolk Safeguarding Children Board Arrangements For Managing Allegations Of Abuse Against People Who Work With Children Or Those Who Are In Positions Of Trust must be followed.

### **Vexatious Complaints:**

The majority of complaints are resolved through a properly managed complaints procedure; however, there are occasions when:

- Despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed.
- Complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with Appendix C of this procedure.



**Appendices**

- A. Complaint Form (Step 3)
- B. Hearings Procedure
- C. Policy for Dealing with Persistent or Vexatious Complaints/Harassment
- D. Model Letter 1
- E. Model Letter 2



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**Appendix A**

**Formal Complaint Form – Step 3**

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (where appropriate):

Your relationship to the pupil:

Address:

Postcode:

Day time 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 whom:

Complaint referred to:

Date:

## **Appendix B**

### **Procedure for Hearings Panel Meeting**

The following is for guidance and information only; this procedure may vary due to circumstances and at the discretion of the Chair of Governors or Chair of the Hearings Panel.

1. Although this Hearing will be formal, every effort will be made by the Chair of the panel to make all parties feel comfortable.
2. A suitable venue will be arranged and all relevant documentation circulated as appropriate.
3. The meeting will be minuted.
4. The meeting will be attended by the complainant/s who may bring a representative/companion.
5. The panel will convene, agree format and elect a Chair, if not elected prior to the meeting.
6. The meeting will begin with introductions and an introductory comment from the Committee Chair.
7. The complainant/s will be invited to explain their complaint, followed by questions. Any witnesses to support the complainant give their evidence and are questioned. The complainant is invited to sum up.
8. The respondent will be invited to explain the outcome of the Formal Procedure and the preceding circumstances, if applicable, followed by questions. Any witnesses for the respondent give evidence and are questioned. The respondent is invited to sum up.
9. All parties bar the panel withdraw while the Committee reviews the evidence and makes a decision.

The Committee may:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on any further action and/or make recommendation/s regarding changes to the Academy's systems or procedures

The complainant will be informed in writing of the outcome as soon as possible and within five working days of the Hearing. The outcome will be given, and that the decision is final.

Accurate records will be maintained throughout the process, including details of the Informal Process and these will be kept in a secure and confidential manner.

## **Appendix C**

### **Policy for dealing with persistent or vexatious complaints/harassment**

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 Procedure. 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.

#### **1. AIMS OF POLICY**

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.

#### **2. HUMAN RIGHTS:**

In implementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.



### **3. 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:

- a) regularly communicate to parents/carers in writing:
  - (i) how and when problems can be raised with the School,
  - (ii) the existence of the School's complaints procedure, and
  - (iii) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- b) respond within a reasonable time
- c) be available for consultation within reasonable time limits bearing in mind the needs of the students/students within the school and the nature of the complaint
- d) respond with courtesy and respect
- e) attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority
- f) keep complainants informed of progress towards a resolution of the issues raised.

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

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

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of students and staff in the School
- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond
- f) recognise that resolving a specific problem can sometimes take some time
- g) (in the case of a complaint) follow the School's Complaints Procedure.



**5. WHO IS A PERSISTENT COMPLAINANT?**

- 5.1 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:
- a) actions which are obsessive, persistent, harassing, prolific, repetitious
  - b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
  - c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
  - d) an insistence upon pursuing complaints in an unreasonable manner
  - e) 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.
- 5.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they:
- a) appear to be targeted over a significant period of time on one or more members of school staff and/or
  - b) cause ongoing distress to individual member(s) of school staff and/or
  - c) have a significant adverse effect on the whole/parts of the school community and/or
  - d) 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.

**6. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT**

- 6.1 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.
- 6.2 This will be confirmed in writing (Model Letter 1).



- 6.3 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:
- a) 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 (see Model Letter 2)
  - b) 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 (see Model Letter 2)
  - c) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only (see Model Letter 2)
  - d) (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban. (Advice is available from the Area Education Manager)
  - e) consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation.
- 6.4 Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances advice may be sought from the Local Authority.
- 6.5 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.

## **7. REVIEW**

The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

## **Appendix D**

### **Model Letter 1:**

**Initial letter informing a complainant that his/her behaviour is considered to fall below a reasonable/acceptable standard.**

#### **Recorded Delivery**

Dear

This letter is to inform you that the School considers your actions in [describe actions, dates, behaviour] on ..... when you ..... to be unreasonable/unacceptable [delete as appropriate].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to students, staff and parents/carers [delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure. At the moment we are dealing with these issues by [describe actions being taken to resolve concern].

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the School's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the School
- considering a ban from the School premises
- considering legal action



**BUNGAY**  
**HIGH**  
**SCHOOL**

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and Excellence for All*

I would ask that you allow the School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

Yours sincerely

Headteacher

## Appendix E

### Model Letter 2:

**Informing a complainant that his/her behaviour is now considered to fall under the terms of the policy for dealing with persistent or vexatious complaints/harassment.**

#### Recorded Delivery

Dear

You will recall that I wrote to you on [insert date] telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour] it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the school:

[\*Delete as applicable]

\*For the foreseeable future, should you wish to meet with a member of staff, I would ask you to note:

- (a) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the school will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

\* For the foreseeable future, all routine communication with the School should be by letter only. Please address letters to ..... at the School. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of student] – in which case you should contact the school in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the school present.



These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the school by [state ten working days from the date of the letter]. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher