

**Lingdale Primary School  
and  
Lingdale Primary School Two Year Old  
Provision**

**Lingdale Primary School Complaints Policy  
(including Persistent or Vexatious Complaints and  
Harassment)**

Named personnel with designated responsibility:

<b>Academic year</b>	<b>Designated Senior person</b>	<b>Deputy Designated Senior person</b>	<b>Chair of Governors</b>
2016/2017	Nichola Oxtoby	Carolyn Gallagher	Mrs H Kemp

To be ratified by Full Governing Body – 30/11/2016

Policy review date: Dec2017

Signed: (Chair of Governing Body)

Signed: (Heateacher)

# Lingdale Primary School Complaints Policy

## (including Persistent or Vexatious Complaints and Harassment)

### Rationale

We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware there may be occasions when people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly as possible. 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 the Local Authority may be able to advise parents/carers and the school in order to help resolve difficulties. However, they cannot become involved if the steps below have not been followed.

### Step 1 - Informal Complaint/Concern:

Make an appointment to discuss any concerns with your child's class teacher. This is usually the best and quickest way of resolving issues.

- Every effort will be made to offer an appointment straight away, or as soon as reasonably possible.
- The purpose of the meeting should be to establish the nature of the concern and to seek a realistic solution to the problem.
- The class teacher will make a brief written record of the concerns raised and any actions agreed.

### Step 2 - Informal Complaint:

If you feel dissatisfied with the outcome of discussions with the class teacher, please make an appointment to meet with the Headteacher

- The purpose of the meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher so far and any actions arising from the initial meeting.
- It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, it may be that the Headteacher, 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.

- The Headteacher will 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 Headteacher:**

If you feel 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. To do this you must write a formal letter of complaint to the Headteacher using the Complaint Form provided in Appendix 1 to this policy. If any complaint is made other than using the Complaint Form that complaint will not be recognised by the School as a formal complaint and the School will not be required to apply this Policy in relation to that complaint. Your Complaint Form should set out clearly the concern that has previously been discussed and why you feel the issue is unresolved. It is also helpful if you set out what resolution you are seeking. 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 so doing will:

- Review the Complaint Form;
- 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 Complaint Form
- 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;
- Keep notes of any interviews for the record.

The Headteacher will arrange a meeting with you to clarify the nature of the complaint and following this carry out further investigations. You will then be sent 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. Where

you are unhappy with the decision the Headteacher has reached regarding your complaint, this does not become a complaint about the Headteacher. If you feel 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 Chair of Governors' name and you should write to him or her at the school address, marking the envelope 'urgent, private and confidential'. The Chair of Governors will acknowledge receipt of your letter within 5 school days and contact the Local Authority for advice.

**Step 4: Formal – letter of complaint to the Chair of Governors:**

If you are not satisfied with the Headteacher's response, you may write to the Chair of Governors. The school will provide you with the Chair of Governors' name and you should write to him or her at the school address, marking the envelope 'urgent, private and confidential'. Your letter should outline the nature of your complaint, the steps you have taken to date and what resolution you are seeking. The Chair will acknowledge receipt of your letter within 5 school days and, in most cases, seek to resolve the matter through discussion with yourself and the Headteacher. This will normally be within 10 school days, but you will be kept informed if more time is required.

**Step 5: Formal – the Governing Body's Complaints Panel:**

If you are not satisfied with the Chair's response at the end of Stage 4, the complaint can be referred to the governing body. A small panel will be convened to investigate your complaint. This will normally be arranged within 15 school days of your complaint being received, but does depend on the availability of all concerned. A copy of your Complaint Form, together with a covering letter explaining why you are not satisfied with the Chair's response, should be completed and returned to the Chair of Governing Body. The Clerk to the Governing Body will send an acknowledgement within 5 school days and explain that three members of the governing body, constituting the Appeals Panel, will hear the complaint. These governors will be 'untainted', having had no prior involvement with the complaint. The Clerk, acting independently, will collate all relevant paperwork and provide this for the panel members, the complainant and school staff no later than two days before the panel meets. The Clerk will also take notes at the Appeals Panel meeting. The role of the governors is to ensure that the complainant and school staff feel their concerns are being sensitively listened to in an open-minded and non-judgemental forum. It is important that the complainant understands governors' powers are limited and, in some circumstances, that the complaint will only be reviewed rather than reconsidered. Many of the actions taken or decisions made by a Headteacher are entirely within the Headteacher's own remit and professional terms and conditions of service. In these cases the governors do not have the power to overturn the decision or direct a Headteacher to change a decision / action

neither does the Chair of Governors have the power to consider afresh the complaint itself. The main function of the complaints panel in these circumstances will be to ensure that the complaint has been properly handled by the Headteacher and Chair of Governors; that a sufficiently comprehensive investigation has been carried out; that all information available at the time has been considered and /or correct procedures / policies have been adhered to. Additionally, it will look at how the school has tried to resolve the disagreement. The panel will also review whether the Headteacher (and Chair of Governors) has acted 'reasonably', that is, was the Headteacher's response one within a reasonable range of response that might have been made, for example, by other Headteachers in the same circumstances. The hearing will follow a formal agenda but within an informal and relaxed atmosphere. The procedure followed is that recommended by Redcar and Cleveland Governor Support Services (who advise and train governors on aspects of their role):

1. Complainant submits a verbal submission (Complainant may be supported by a friend).
2. Questions by the Headteacher and/ or Chair of Governors.
3. School's verbal submission (The Headteacher and Chair of Governors may be supported by another member of staff who has more detailed knowledge relevant to the case.)
4. Questions by the complainant
5. Summary by complainant
6. Summary by the school
7. Closure of hearing Panel.

Members may seek clarification at any stage during the meeting. At the end of the hearing all parties leave the meeting whilst the panel and clerk remain. The panel then discusses the issues and writes the 'decision' letter. This letter will summarise its understanding of the complaint, outline the main issues, give the decisions and explain the reasons for the decision.

#### Complaints Not Resolved through the Formal Procedure

If you believe the school has not properly followed its complaints procedure, or has not acted fairly or reasonably in responding to your Complaint Form, you may refer the matter to the Local Authority. The Local Authority has no legal right or duty to deal with complaints about schools, but will provide advice to the parent in the event that a complaint, which has been considered under the formal procedure, remains unresolved or if the complaint is specifically about the Headteacher. Finally, if on conclusion of all these steps you feel the school's governing body and / or Local Authority has acted unreasonably, the final stage of appeal is to the Secretary of State for Education.

Complainants should write to The School Complaints Unit (SCU) at:

Department for Education 2nd Floor,  
Piccadilly Gate,  
Manchester,  
M1 2WD

### **Persistent or Vexatious Complaints and Harassment**

The Headteacher and governing body are fully committed to the improvement of the school and will always try to resolve any concerns as quickly as possible. Sometimes, however, those making a complaint may treat staff and others in a way that is unacceptable. While we realise that some complaints might relate to serious or distressing incidents, we will not accept threatening or harassing behaviour towards any member of the school community. For cases such as this, the governing body may deal with the complaint as a 'Vexatious and/or Persistent Complaint', or decide that the complaint constitutes "Harassment".

A persistent complaint may take several forms, but typically could occur where the complainant is behaving unreasonably and/or does not respect the steps set out in this Policy. Such behaviour may be characterised by:

1. Actions which are obsessive, persistent, harassing, prolific repetitious;
2. Prolific correspondence or excessive email or telephone contact about a concern or complaint;
3. An insistence on pursuing unsubstantial complaints and / or unrealistic or unreasonable outcomes;
4. An insistence on pursuing complaints in an unreasonable manner;
5. An insistence on repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant.

A vexatious complaint may take several forms, but may typically occur where there is no substantive basis for the complaint or where the complaint is trivial, unjustified or made inappropriately (for example, where a minor complaint is reported to the school as formal complaint without first going through the procedure for informal complaints as set out in this Policy. For the purpose of this policy, harassment is the unreasonable pursuit of any of the actions above or any similar actions in such a way that they:

- a) Appear to be targeted over a significant period of time on one or more members of staff
- b) Cause ongoing distress to individual members of staff
- c) Have a significant adverse effect on the whole or parts of the school community

d) Are pursued in a manner that 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.

### **School's Actions in Cases of Persistent or Vexatious Complaints or Harassment**

In the first instance the school will inform the complainant in writing that his/her behaviour is considered unreasonable / unacceptable and, if that behaviour is not modified to the School's reasonable satisfaction, the School may take any of the following actions (or all of them):

a) inform the complainant in writing that that the School considers the behaviour to fall under the section of Persistent or Vexatious Complaints and Harassment;

b) require any further meetings with members of staff to be conducted with a second person present and for notes of the meeting to be taken;

c) inform the complainant that, except in emergencies, the School will respond at its discretion only to written communications and may do so through the Local Authority and, in addition, in relation to cases of Harassment;

a) ban the individual from entering School grounds, with immediate effect and indefinitely;

b) request an Anti-Social Behaviour Order;

c) seek prosecution under Anti-Harassment legislation;

d) call the Police to remove the individual from the School site under powers provided by the Education Act 1996.

### **Monitoring and Review of the Policy**

- Governors monitor the complaints procedure, in order to ensure all complaints are handled properly.
- The Headteacher logs all complaints received by the school and records how they were resolved.
- Governors are presented with statistical information regarding all complaints on an annual basis.
- Governors take into account any local or national decisions that affect the complaints process, and may make any modifications necessary to this policy.
- The policy is reviewed annually.

- This policy is made available to all parents by its publication on the school website, so that they can be properly informed about the complaints process.



## Appendix 1

### COMPLAINT FORM – FORMAL COMPLAINT TO GOVERNING BODY

Please complete and return this form to the Chair of Governors. The Clerk to the governing body will acknowledge receipt and explain what action will be taken.

<b>Your Name:</b>	
<b>Pupil's Name:</b>	
<b>Address:</b>	
<b>Telephone number/s:</b>	
<b>Give brief details of your complaint:</b>	

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

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