

Blue Sky Federation  
Erpingham VC Primary School & Northrepps Primary School

### Complaints Policy

<b>Formally adopted by the Governing Body of Blue Sky Federation</b>	
<b>On</b>	February 12 <sup>th</sup> 2020
<b>Chair of Governors</b>	<i>Sam Lee</i>
<b>Executive Head Teacher</b>	<i>Laura Watts</i>
<b>Last updated</b>	February 2020
<b>Review</b>	February 2021

#### **Purpose**

All schools in Norfolk want their pupils to be healthy, happy and safe, and to achieve. They recognise that parents, guardians or carers play an important part in making this happen. Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in the school.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school. A complaint may be made in person, by telephone or in writing.

There are various principles behind this policy:

- We will seek to resolve complaints by informal means wherever possible.
- Investigations will be full, fair and swift, and people will be kept informed of progress and decisions reached.
- Every effort will be made to respect confidentiality.
- Feedback will be actively sought from those voicing complaints in order to minimise complaints and maximise accountability.

At each stage in the procedure we will attempt to resolve the complaint or concern. It might be sufficient to acknowledge that the concern or 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 the light of the complaint

This policy should be used in line with the DfE Best Practice Advice for School Complaints Procedures 2016. Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible. Some complaints regarding admissions, the curriculum or special educational needs are covered by statutory regulations. The Executive Headteacher or Senior Teacher can give information about these issues.

### **Level 1 – informal**

Any person should, in the first instance, make an appointment to speak to the class teacher about the concern. It is best to resolve issues at this point.

#### **Guidance on informal level 1:**

- A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted
- It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem

### **Level 2 - informal**

Any person dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with the Executive Headteacher.

If a resolution to the issue is proving difficult to find, the Executive Headteacher can speak to one member of the governing body about the issue, who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If everyone involved is unable to resolve the issue, then it may be necessary to ask for information or support from a Children's Services Representative. The issue that is the focus of the complaint will determine the person contacted. The Executive Headteacher should know who to ring or the Customer Service Centre will be able to offer information on 0344 800 8020 or e-mail: [information@norfolk.gov.uk](mailto:information@norfolk.gov.uk)

#### **Guidance on informal level 2:**

- It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the class teacher then he/she can ask for an appointment to meet with the Executive Headteacher.

### **Level 3 – formal complaint letter to Executive Headteacher**

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Any person wishing to move to level 3 must write a formal letter of complaint to the Executive Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the complainant considers the issue to be unresolved. See Appendix A.

The Executive Headteacher will consider the complaint and discuss a resolution with the complainant. If possible the Executive Headteacher will offer a resolution to the complainant in writing within 10 school days of receipt of the letter. If the Executive Headteacher is not able to offer a resolution within 10 school days the complainant will be informed in writing of the reason for this and will be told when he/she can expect to receive the resolution.

The decision that the Executive Headteacher has made as a result of the complaint does not become a complaint about the Executive Headteacher. If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a Governors' Complaints Panel.

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

If the concern or complaint is specifically about the Executive Headteacher and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of Governors. The school will provide the Chair of Governor's name and the complainant should write to the Chair at the school address marking the envelope 'urgent, private and confidential'. The Chair of Governors will acknowledge the complainant's letter in writing within 5 school days of receipt and contact a Governor Support Service Officer for advice.

### **Level 4 – formal complaint requesting a Governors' Complaints Panel**

#### **Time Scales:**

<b>Receipt of complainant's letter</b>	<b>Acknowledgement within 5 school days</b>
<b>Receipt of complainant's letter</b>	<b>Governors' Panel meeting within 15 school days (unless this goes into school holidays)</b>
<b>Written documentation sent to Governors' Panel Members and complainant and Executive Headteacher</b>	<b>5 school days before meeting</b>
<b>Governors' Panel members' decision communicated to all concerned</b>	<b>As soon as possible but within 10 school days of meeting</b>

Complainants wishing to move to level 4 of the formal complaints procedure will need to write a letter to the Chair of Governors to request that a Governors' Complaints Panel meets to hear the complaint. This formal complaint letter must be received within 10 school days of receiving the letter of written resolution from the Executive Headteacher. The complainant should write to the Chair of Governors at the school address marking the envelope 'urgent and confidential'. The letter

will need to set out the complaint that has previously been formally discussed with the Executive Headteacher and show why the matter is not resolved.

### **Before the meeting:**

**Upon receipt of the formal letter of complaint to the Chair of Governors, the Chair of Governors will decide if an investigation is necessary and if so, will request the Complaints Governor to carry out that investigation. Where possible the investigation must be completed within 10 school days. Receipt of the complaint will be acknowledged in writing by the Chair of Governors within 5 school days. Where appropriate, the complainant will be informed that an investigation is taking place and kept up to date with time scales.**

Upon completion of the investigation, or if no investigation is deemed necessary, the Chair of Governors will appoint an independent clerk to the Governors' Complaints Panel and arrange for a panel of 3 governors to meet at a convenient time and venue for both parties. Panel members must have had no previous involvement with the complaint.

Relevant information will be sent to all parties including the Clerk. A Chair of Panel will be appointed in advance of the Panel hearing.

The Chair of Governors will have access to advice and support from the Norfolk Governor Service.

### **At the meeting:**

1. The Chair of Panel will introduce and welcome participants, explain the purpose of the meeting and how it is to be conducted.
2. The Clerk will document who is present and who is chairing the Panel.
3. The Chair will invite the complainant to give a verbal statement in support of his/her written submission.
4. Panel members will be given the opportunity to ask questions
5. If an investigation has taken place the Complaints Governor will be asked to present their report. The Panel will have opportunities to ask the Complaints Governor questions.
6. The Chair will invite any other party to give a statement.
7. Panel members will be given the opportunity to ask questions
8. The Chair will check that the Panel members are clear about all the facts regarding the complaint.
9. The Chair will notify participants when the decision will be advised and will ask everyone except the Panel and Clerk to leave.
10. The Chair will invite the Panel members to discuss the complaint, agree a decision and what action, if any, is to be taken.
11. The Clerk will document the decision agreeing the precise wording with those present.
12. The Chair will inform all parties of the decision within 10 school days of the Panel meeting.
13. The Panel's decision is final.

### **After the meeting:**

The Governors' Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the Governor's Complaints Panel is final.

If, the complainant feels that the School and Governors have not followed the school's complaints procedure correctly, he/she can contact a Children's Services Officer for assistance. In this case he/she should ring Customer Services on **0344 800 8020** who will arrange for an officer to get back to him/her.

Once a Governors' Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures if appropriate. The details of such an investigation will remain confidential.

### **Vexatious Complaints**

This complaints procedure aims to 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. If the complainant tries to reopen the same issue, the Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond. See Appendix B for further details.

## Appendix A – Example of a Complaint Form

Please complete and return to Mrs Wattts who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
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 whom:

Complaint referred to:

Date:

## **Appendix B:**

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

The Executive 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.

#### **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 children, 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.

#### **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.

#### **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 about:
  - (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/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 pupils 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

### **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 pupils 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

### **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:

- 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.

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.

## **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:

- 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
- 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
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only
- 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 relevant Strategic Manager)
- e) consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation

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.

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.

## **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.