



# **Thistly Meadow Primary School COMPLAINTS POLICY**



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This policy statement sets out our approach to dealing with parental concerns and complaints. Details of how we handle them are outlined in our procedures below.

We always aim to maintain positive relationships with parents and carers and do our best to address any concerns as soon as they arise. However, we are aware that in some instances a parent/carer may wish to make a complaint.

1. We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
2. We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
3. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.
4. All school staff and members of the governing body will receive a copy of this policy and will be familiar with the school's procedures for dealing with parental concerns and complaints.
5. The school's procedures will be reviewed regularly and updated as necessary.
6. Complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties and it is in everyone's interests 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.
7. Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted, if this appears to be appropriate. If the complaint is considered to be habitual and vexatious, it will be dealt with under the section Habitual and Vexatious complaints.

### **School Complaints Procedure**

The school operates a 4 stage complaints procedure. If the complaint concerns the conduct of the Head teacher it will be dealt with in accordance with Stage 3. These procedures are summarised in Appendix 1.

### **Stage 1: Complaint heard by staff member**

In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Head teacher, who will refer it to another member of staff.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Head teacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to a governor, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Governors will not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

### **Stage 2: Complaint heard by the Head teacher**

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the Head teacher, within 10 days of Stage 1 being concluded.

The Head teacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken. The Head teacher will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue. Subsequent to this meeting the Head teacher will write to the complainant summarising the outcome reached and the process for appeal.

### **Stage 3: Complaint heard by the Chair of Governors**

If the complaint cannot be resolved at Stage 2 the complainant may take their complaint to the Chair of Governors.

The complainant will need to write to the Chair of Governors, care of the school, within 10 school days of the date of the letter notifying them of the outcome of Stage 2. The complainant should provide a copy of the written complaint, a copy of the Head teacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

The chair will meet with the complainant, hear the complaint, investigate and make every effort to resolve the issue, having met with the Head teacher. The chair will write to the complainant at the conclusion of his/her investigation with the outcome reached and the process for appeal. The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

#### **Stage 4: Complaint heard by the governing body Complaints Appeal Panel**

The complainant should write to the Chair of Governors within ten school days of the date of the letter advising them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the complaints appeal panel. The Chair, or a nominated governor, will convene a governing body complaints appeal panel.

The governors' appeal panel hearing is the last school based stage of the complaints process and is not convened to merely rubber stamp previous decisions. Individual complaints will not be heard by the whole governing body at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body will nominate 3 governors to have delegated powers to hear the complaint at this stage. These governors must have no previous knowledge of the complaint. The panel will choose their own chair.

The remit of the Complaints Appeal Panel is 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.

The complainant will be notified in writing of the panel's decision, usually within 10 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal. The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority. Leicestershire County Council works in an impartial advisory role to both families and schools. The council does not have the authority to make decisions on complaints, as schools have their own management structure and policies.

#### **Habitual and Vexatious complaints**

Habitual and/or vexatious complainants can be a problem for school staff and governors. The difficulty in handling such complaints can place a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem. In this policy the term habitual means "done constantly or as a habit". The term vexatious is recognised in law and means "denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant". These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests impose a disproportionate and repeated burden on the school staff and governors by pursuing an unreasonable course of conduct.

Following careful consideration of all the issues by the Head teacher and the Chair of Governors and after an attempt has been made to reason with the complainant, they will be advised that their complaint is considered habitual and vexatious.

Each case will be viewed individually and decided on its merits. However, a complainant anyone may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

- (a) Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided).
- (b) Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response.
- (c) Are unwilling to accept documented evidence of action.
- (d) Are unwilling to accept that the governing body has reached a final decision on a chosen course of action.
- (e) Deny receiving an adequate response in spite of correspondence specifically answering their questions.
- (f) Persist in pursuing a matter when they have already exhausted other statutory routes.
- (g) Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- (h) Continue to seek to pursue a complaint where the concerns identified are not within the remit of the governing body to investigate.
- (i) Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point.
- (j) Have in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax.
- (k) Have threatened or used physical violence towards staff at any time. This will in itself cause personal contact with the complainant to be discontinued and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place.
- (l) Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. All instances of harassment, abusive or verbally aggressive behaviour will be documented.
- (m) Are known to have recorded meetings or telephone conversations or circulated such recordings to third parties without the prior knowledge and consent of other parties involved.

(n) Make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure.

### **Strategy for Dealing with Habitual or Vexatious Complainants**

Where complainants have been identified as habitual or vexatious, the Head teacher and Chair of Governors will notify the complainant in writing, of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure.

It may be decided to deal with complainants in one or more of the following ways:

(a) Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained.

(b) To restrict contact to liaison through a designated member of staff.

(c) Notify the complainant in writing that the governing body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, in relation to their complaint is at an end, and that further contact received will be acknowledged but not answered.

(d) Temporarily suspend all contact with the complainant, provided that the governing body shall not withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

(e) Ban the complainant from attending the school without prior written consent.

### **Status**

Once a complainant has been determined as habitual or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. This may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

A panel of three governors should review their decisions to categorise a complainant as habitual or vexatious every six months.

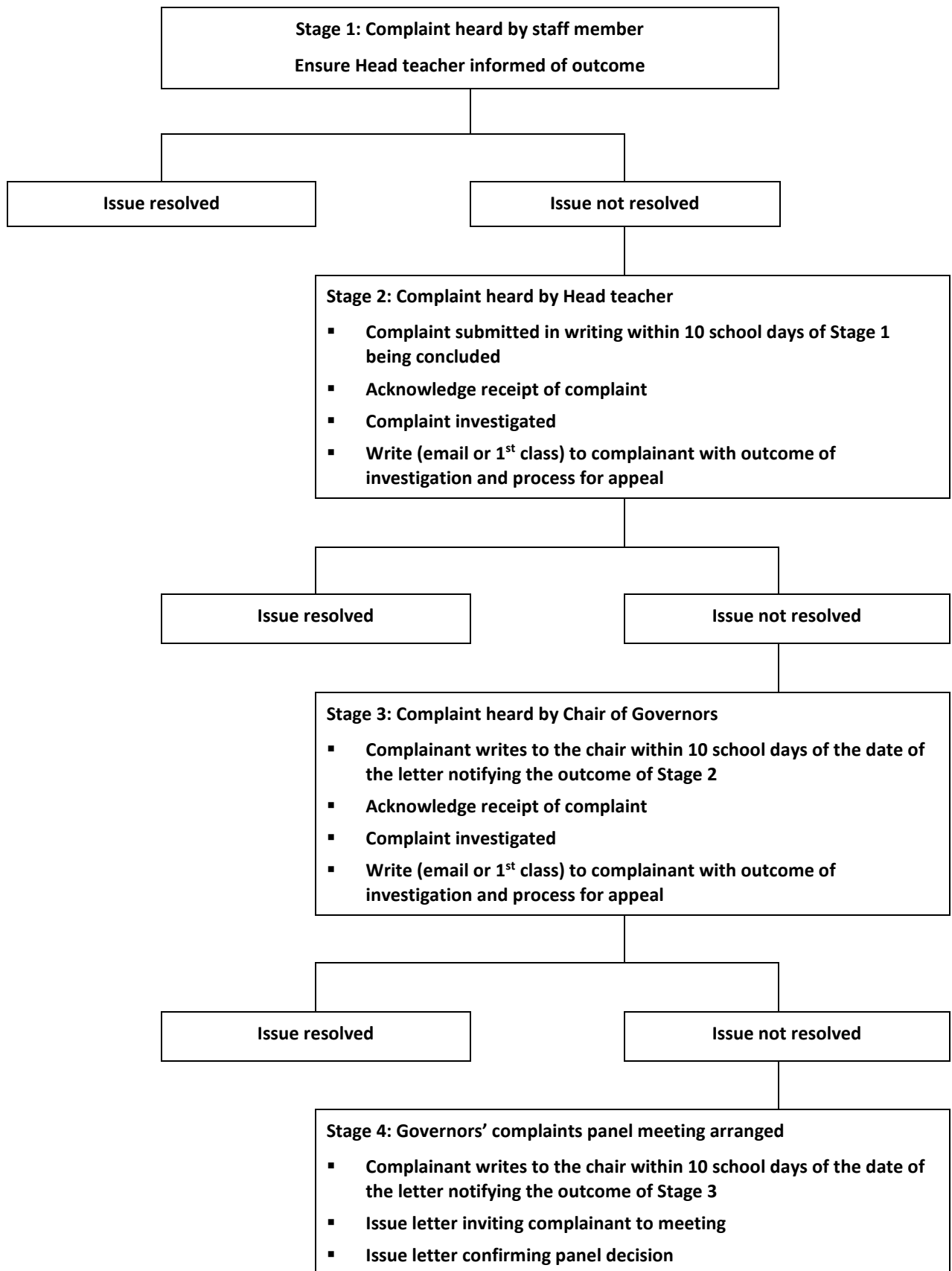
If the panel considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. The complainant will be given notice of this decision.

### **Monitoring**

Incidents will be presented at the next scheduled meeting of the governing body with details of complainants who are categorised as habitual and/or vexatious in the Head teacher's Report to Governors.

## Appendix 1

### Flow Chart of Complaints Procedure



**NOTES:** *If the complaint is in respect of the Head teacher or a Governor, it will be passed directly to Stage 3. Realistic time limits for each action within each stage will be agreed between the staff member, Head teacher or Chair of Governors and the complainant.*



Version	Date	Comment
V2	Date created: 31/3/2022 Review date: Mar 2025	A Gordon