



## **COMPLAINTS POLICY AND PROCEDURE**

This policy is directly in line with guidance from the Department of Education and must be followed in all cases.

The school will seek to resolve all complaints through the informal stages but depending on the nature of the complaint, there may be a need to follow the school's formal complaints procedure. Complaints from parents will only be investigated if the parent has a child at the school, and will not be investigated if the complaint is brought more than five months from the original incident.

The prime aim of the policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

Malicious complaints made by parents or the community or members of staff may incur appropriate legal action by the school

Bishop Vesey's Grammar School's Complaints Policy has three main stages. In summary these are as follows:

- Stage 1            A complaint is raised informally with a staff member
- Stage 2            Formal complaint is heard by the Headteacher
- Stage 3            Complaint is heard by the Governing Body's Complaints Panel.

### **Time limits**

Every effort will be made to keep to the stated timescales. However if the complaint requires additional time to investigate thoroughly, you will be notified of the change in timescales.

### **Vexatious Complaints**

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 is able to inform them in writing that the procedure has been exhausted and that the matter is now closed

The Governing Body has a policy regarding vexatious complaints/ harassment (appendix 1) and will act according to this policy



## 1. Principles

The school should attempt to resolve problems informally wherever possible. An effective response and appropriate redress is provided swiftly and simply.

All complaints with regard to examinations should be directed as per the school's Examinations Policy. All complaints from staff will be directed through the school's Grievance Procedure. Any complaints with regards to school admissions should be directed as per the school's Admissions Policy and the agreed appeals procedure.

## 2. Statutory obligations

- a) Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request.
- b) If the process results in an appeal to the Governing Body (see below) this procedure is statutory<sup>1</sup>.

## 3. Dealing with complaints

- a) At each stage the person investigating the complaint will ensure that they:
  - clarify the nature of the complaint and unresolved issues
  - 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
  - keep notes of the interview(s)
- b) at each stage the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:
  - an acknowledgement that the complaint is valid in whole or in part and/or an acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)

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<sup>1</sup> Schedule 1, paragraph 7, The Education (Independent School Standards) (England) Regulations 2003



- an apology
- an explanation
- an assurance and an explanation of the steps that have been taken to ensure that it will not happen again.
- an undertaking to review the School procedures in light of the complaint

#### **4. Records**

All complaints will be recorded including formal complaints by the Headteacher. Staff are responsible for ensuring that complaints and outcomes are recorded.

- Records relating to individual complaints are confidential except where the secretary of state or a statutory body<sup>2</sup> conducting an inspection requests access to them.
- The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis.

#### **5. Informal complaints procedure (Stage 1)**

If someone wants to make an informal complaint they must use the following procedure:

- a) In most cases the first person to speak to will be the class teacher. The subject teacher, form tutor or Head of Year may refer the complainant to another staff member if appropriate. Please do not arrive at the school expecting to be seen by a member of staff as they are very likely to be teaching. Please make an appointment to see the subject teacher, form tutor or Head of Year. This will ensure sufficient time is allocated to listen carefully to your concerns. The matter may be able to be resolved through this discussion, or may require the teacher to investigate or discuss with others. If this is the case, you will receive an informal, but informed response, within two school working days.
- b) The majority of concerns will be satisfactorily dealt with in this way. However if you are not satisfied with the outcome at stage 1, please write to the Headteacher at the school within ten school working days and state why you do not think that the concern has been dealt with to your satisfaction. The school will then look at your complaint at the next stage.

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<sup>2</sup> Under section 163 of the Education Act 2002



If you have difficulties writing the school can arrange for someone to write this letter for you.

## 6. Formal complaints procedure (Stages 2)

If someone wants to make a formal complaint they must use the following procedure:

- a) The complainant will write to the Headteacher with full details of:
  - the complaint
  - any attempts they made to raise/resolve the complaint (who they spoke to and when)
  - actions they feel may resolve the problem
  - any staff they would prefer not to discuss the issue with.
- b) The Headteacher will appoint an appropriate member of staff (not the subject of the complaint) as the Investigating Officer. The Investigating Officer will submit a report to the Headteacher following a robust investigation, speaking to all relevant parties, including the complainant, who may be accompanied. The Headteacher will decide on an appropriate course of action on the basis of that report, and the complainant will be notified in writing accordingly. The Headteacher will aim to respond within five working days of a complaint being lodged, and will notify the complainant within that timescale if that deadline is not going to be met with reasons why. A complaint should not be delayed unnecessarily.
- c) If the complainant is not satisfied with this response they must inform the school in writing, with details of their previous communication and the reason why they are still not satisfied, within two weeks of receipt of the outcome letter. The Headteacher, or delegated member of the Senior Leadership Team, will respond within five working days.
- d) If the complainant is still not satisfied, they can appeal to the Governing Body by writing to the Clerk to the Governing Body (Stage3 - see below). The Governors will convene a Complaints Panel within 21 school working days.
- e) Where the conduct of the Headteacher is the subject of the complaint, the complainant should write to the Chair of Governors (via the Clerk to the Governing Body) who will appoint an appropriate member of the Governing Body (not the subject of the complaint) as the Investigating



Officer. The Investigating Officer will submit a report to the Chair of Governors following a robust investigation, including speaking to all relevant parties, including the complainant, who may be accompanied. The Chair of Governors will decide on an appropriate course of action on the basis of that report, and the complainant will be notified in writing accordingly. The Chair of Governors will aim to respond within ten school working days of a complaint being lodged, and will notify the complainant within that timescale if that deadline is not going to be met with reasons why. A complaint should not be delayed unnecessarily. If the complainant is not satisfied with this response they must inform the Chair of Governors in writing, with details of their previous communication and the reason why they are still not satisfied, within two weeks of receipt of the outcome letter. The Chair of Governors will respond within five school working days. If the complainant is still not satisfied, they can appeal to a panel of the Governing Body in writing. The panel will not include Governors with any prior involvement in the complaint. The Complaints Panel will be convened within 21 school working days.

## **7. Appeals (Stage 3)**

- a) The Clerk to the Governing Body will convene a Complaints Panel:
- the panel will consist of at least three people
  - one panel member will be completely independent, both to the academy and the history of the complaint and will be sourced from the Senior Leadership Team of another academy
  - at least one panel member should be a member of the Governing Body
  - one panel member will be a member of the Senior Leadership Team - except where the complaint concerns the conduct of the Headteacher, in which case there will be two members of the Governing Body present
  - no member can have been directly involved in previous consideration of the complaint
  - the panel nominates a chair
  - individual complaints must not be heard by the whole Governing Body at any stage
- b) Remit of the panel.



The panel can:

- 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
- c) Proceedings of the panel.
- the appeal will be closed to the public
  - the complainant may attend and be accompanied
  - witnesses will only be required to attend for the part of the hearing in which they give their evidence
  - the panel may ask questions at any point
  - the panel will deliberate in private
  - the panel will inform the complainants of the decision as quickly as possible and in no more than five school working days in writing
  - the decision of the appeal panel is final
- d) Role of the Clerk to the Governing Body.

The Clerk to the Governing Body will be the contact point for the complaint and will be required to:

- set the date, time and venue of the hearing
- collate any written material and send it to the parties in advance of the hearing
- record the proceedings
- notify parties of the panel's decision

## **8. Complaints to the DfE/EFA**

A complainant has a right, once school processes are exhausted, and they are still not satisfied, to send their complaint to the DfE/EFA.



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The EFA can only look at complaints about academies that fall into the following two areas:

- a. The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.

The EFA cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The EFA will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the EFA finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the EFA will ensure this is put right.

- b. The academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State.

One of the EFA's main responsibilities is to ensure that academies comply with their funding agreement with the Secretary of State. The EFA will seek to resolve any concerns regarding potential or actual breaches of the funding agreement

A complainant should be made aware of this right and any complaint should be forwarded to the following email address:

academyquestions@efa.education.gov.uk

## **9. Dealing with persistent complaints**

In the case of persistent complaints the Chair of the Governing Body will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. The Governing Body has a policy regarding vexatious complaints/ harassment (appendix1) and will act according to this policy

## **10. Responsible person**

The person in charge of co-ordinating the complaints at the school is the Headteacher.

***Date agreed by the Governing Body: October 2015***

***Signed: (Chair of the Governing Body):***

***Review Date: 2018***

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

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. 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:

- Inform parents/carers of the complaints procedure
- Inform parents/carers of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- respond within a reasonable time





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- be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint
- respond with courtesy and respect
- attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice keep complainants informed of progress towards a resolution of the issues raised

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

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

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

**If the above are not adhered to the school will refuse to investigate until the above behaviour is evident.**

### 4. 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. Examples of such behaviour may be characterised by:



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- actions which are obsessive, persistent, harassing, prolific, repetitious
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon pursuing complaints in an unreasonable manner
- 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 detailed above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of the school community
- cause ongoing distress to individual member(s) of the school community
- have an adverse effect on the whole/parts of the school community
- 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

## **5. 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:

- 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



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- 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
- inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only
- (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
- consider taking advice on pursuing a case under anti-harassment legislation
- Reporting violent and threatening behaviour or any behaviour which harasses any member of the school community or shows discrimination to any member of the school community to the police

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 Local Authority Services.

## **6. 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.