



## Complaints Policy and Procedures for Parents and Carers

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<b>Date of last review:</b>	November 2019	<b>Date of next review:</b>	November 2022
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### Policy review dates and changes

Review date	By whom	Summary of changes made	Date implemented

<b>Signed</b>		<b>Designation</b>	Chair of Governors
<b>Name</b>	Janet Hall	<b>Date</b>	Autumn 2019



## 1 Introduction

We undertake to provide a friendly and safe environment in which pupils will be helped to achieve their potential academically and socially. However, we recognise that sometimes things can go wrong and parents and carers may need to make a complaint or raise concerns they have with the school.

We strongly believe that there will be good communication between parents/carers and key staff who work with their child, such as class teachers and care staff (if the child is in residence) and so minor concerns can be sorted out quickly

## 2 The difference between a concern and a complaint

A 'concern' may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. Informal concerns are taken seriously and we make every effort to resolve the matter as quickly as possible.

Most complaints and concerns can be resolved informally and quickly by discussion with the member of staff concerned. It is expected that this will be the first choice of action for most issues.

However, there will be occasions when parent/carer want to raise their concerns formally. In those cases, then parents/carers can contact the Department Leads who will acknowledge within five school days and respond to the concern within 15 school days from the date of acknowledgement. There will be no formal record at this stage.

Any informal concerns about Department Leaders should be addressed to the Headteacher. Any concern against the Headteacher should be addressed to the Chair of Governors via [chair@rsdd.org.uk](mailto:chair@rsdd.org.uk). The Chair of Governors will then nominate a member of the Governing Body to help resolve the concern.

Any concern about the Chair of Governors or another governor should be addressed to the Clerk to the Governors [Nicola.hardy@rsdd.org.uk](mailto:Nicola.hardy@rsdd.org.uk) who will, in discussion with the Headteacher, identify another governor who has not been involved in the issue before and who can manage the informal stage.

## 3 Some Do's and Don'ts about complaining

Do	Don't
<ul style="list-style-type: none"> <li>▪ Speak to your class teacher or tutor if you have a concern through email, phone, text or home / school book and make an appointment</li> <li>▪ Sign in at Reception when you arrive at school to meet a member of staff.</li> <li>▪ Be aware of the difference between a concern and a complaint. All are taken seriously.</li> <li>▪ Be mindful of language used.</li> <li>▪ Have an idea of how you would like an issue resolved.</li> <li>▪ Express your complaint as soon as possible</li> </ul>	<ul style="list-style-type: none"> <li>▪ Approach a teacher to talk when they are teaching</li> <li>▪ Use swear words, abusive language or derogatory comments</li> <li>▪ Expect to see a member of staff immediately</li> </ul>



#### 4 Formal Complaints

There are three formal stages which will take place in order. All complaints will be recorded formally in a central log.

##### Stage 1

If a parent/carer is still dissatisfied after the informal stage, they or the member of staff can refer the matter to the Deputy Headteacher for Care and Guidance or Deputy Headteacher Teaching and Learning according to the area of concern. This should be in writing so the situation is clear to all parties.

The Deputy Headteacher will acknowledge within five school days and respond to the concern within 15 school days from the date of acknowledgement and will offer a meeting with the parent/carer at a mutually convenient time. Support by either party can be brought into this meeting. Please notify [enquiries@rsdd.org.uk](mailto:enquiries@rsdd.org.uk) to confirm attendance, who will be attending and any communication support required.

At the meeting, and through discussion, the Deputy Headteacher will clarify the issues and the hopes of what the parent/carer is trying to achieve. Together all parties should agree an acceptable outcome that is to their satisfaction. The outcome should be written down and agreed by all parties so there is no misunderstanding. Parents/carers should be given a copy of this.

If the issue is complex, the Deputy Headteacher may need to speak to other staff and pupils. This should happen within 15 school days. If this timescale cannot be met the Deputy Headteacher should explain the reasons to the parents/carers and give a timescale for when the investigation will be completed.

Where the Headteacher is the subject of the complaint and this has not been remedied informally the Chair of Governors will nominate a panel (no less than two) of governors to meet with the parent/carer to undertake this stage of the formal process.

Where the Chair of Governors or another governor is the subject and this has not been remedied informally then the Clerk, in discussion with the Headteacher, will nominate a panel as above.

##### Stage 2

If the complaint is not resolved to the satisfaction of the parents/carers it can be referred in writing to the Headteacher at the school address or the school can ask the Headteacher to contact the parents/carers directly. The Headteacher will offer to meet with the parents/cares at a mutually convenient time. The Deputy Headteacher can also refer the matter to the Chair of Governors.

The Headteacher will acknowledge within five school days and respond to the concern within 15 school days from the date of acknowledgement and will offer a meeting with the parent/carer at a mutually convenient time. Support by either party can be brought into this meeting. Please notify [enquiries@rsdd.org.uk](mailto:enquiries@rsdd.org.uk) to confirm attendance, who will be attending and any communication support required.

The Headteacher will then take 20 school days to investigate and respond to the complaint. If it cannot be resolved within this time the Headteacher will inform the complainant, explain why it is taking longer and give a realistic timescale for resolution. Reasons for this may be that the complaint is complex and needs more time or that someone is absent through sickness or holidays.

Where the Headteacher is the subject of the complaint the matter will be referred to the Chair of Governors.

Where the Chair of Governors is the subject of the complaint, the matter will be referred to the Chair of the Trustees.



### Stage 3

If the complaint is still not resolved or the Headteacher feels that it is necessary or appropriate, he/she will refer to the Chair of Governors who may meet with the complainant.

The Chair of Governors can appoint an investigating officer from school to gather evidence and conduct preliminary interviews on the Chair's behalf. The investigating officer will provide a detailed report and give a copy to the parents/carers. The investigating officer could be another governor.

The Chair of Governors will give their decision, in writing, within 20 school days of the meeting along with their reasons

Where the Headteacher is the subject of the complaint the Chair of Governors will commission an independent person to further investigate the matter. The independent person will report their findings and recommendations to the Chair of Governors for their consideration. Any decision made at this stage will be final.

Similarly if the complaint is about the Chair of Governors the final decision will be made by the Chair of the Trustees.

### 5 Role of the Secretary of State, Department for Education

If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education to intervene.

For the Secretary of State to intervene following a complaint, he needs to be sure that either

- The school has acted or is proposing to act unreasonably in the exercise or performance of its functions imposed by or under the [Education Act 1996](#); or
- The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

Guidance on making a submission about a school complaint to the Department for Education can be found on Department for Education website on this [link](#)

### 6 Communication support

If you would like a BSL interpreter for a meeting at any stage, please notify

[enquiries@rsdd.org.uk](mailto:enquiries@rsdd.org.uk) at least 5 working days before the meeting. We cannot guarantee a choice of interpreter for the meeting but they will be of appropriate qualification. RSDD will pay for the interpreter.

### 7 Habitual or Vexatious Complaints

The school will always undertake to address complaints made in good faith in a genuine spirit of partnership and problem solving with respect and integrity. This section in no way undermines that basic intention on the part of the school and this section of the policy will only be invoked if evidence can be presented that the school has exhausted every avenue to satisfy the requests of complainants.

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 nothing further can reasonably be done to assist or rectify a real or perceived problem.

The school is under a duty of care to protect its staff and governors from bullying and harassment. It is recognised that on some occasions habitual and vexatious complaining can be used as a tool to bully and harass staff. Abuse of the policy in this way will not be tolerated. The school reserves the right to identify complainants who might be considered to be 'habitual or vexatious' and ways of responding to these situations. 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 without sufficient grounds for winning, purely to cause annoyance to the defendant'.



These terms are used in this section to clarify that the school reserves the right in exceptional circumstances to deal with persons who seek to be disruptive or whose requests cause disproportionate and repeated workload and efforts by school staff and governors to little avail and to the detriment of other areas of accountability. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and on deciding on the appropriate choice of action to be taken. This section of the policy should only be invoked following careful consideration of all the issues by the Headteacher and after authorisation has been provided by the Chair of Governors. If the complaint is against the Chair then the authorisation will be from a three person panel of the Governors. The decision must be reported to the full Governing Body.

### **Criteria to Determine Habitual or Vexatious Complaining**

Each case will be viewed individually. However, a complainant and/or anyone acting on their behalf may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any, many or all of the following criteria, depending on degree.

- Persistence in pursuing a complaint where the school's complaint procedures have been fully and properly implemented and exhausted (e.g. where several responses have been provided).
- Refusing to follow the school complaints procedures e.g. informing governors of the complaint directly so that proper, transparent and fair processes of investigation can no longer take place
- Changing the substance of a complaint or continually raising new issues or seeking to prolong contact by continually raising further concerns or questions on receipt of a response. (Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed separately.)
- Unwillingness to accept documented evidence of an action.
- Unwillingness to accept that the Governing Body has reached a final decision on a chosen course of action.
- Denying receiving and adequate response in spite of correspondence specifically answering their questions.
- Persisting in pursuing a matter when they have already exhausted other statutory routes of appeal.
- Not clearly identifying the precise issues which they wish to be investigated despite reasonable efforts to help them specify their concerns.
- Continuing to pursue a complaint with the Governing Body where the concerns identified are not within the remit of the Governing Body to investigate or resolve.
- Focusing on a trivial matter to the extent that it is out of proportion to its significance and continuing to focus on this point. (It is recognised that determining what is 'trivial' can be subjective and so careful judgement should be used.)
- In the course of pursuing a complaint, having excessive numbers of contacts with the school thus placing unreasonable demands on staff time. A contact may be in person, by telephone, letter, email, fax etc. Discretion must be used in determining the point at which contacts become 'excessive' contacts using careful judgement.
- Threatening or using physical violence towards staff at any time. This will, in and by itself, be defined as vexatious complaining and will lead to personal contact with the complainant and/or their representative to be discontinued and pursued thereafter only through written communication.
- Harassing or being personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint, either face to face or by other means. (Staff recognise that complainants sometimes act out of character in times of stress and anxiety and will make reasonable allowance for this but will document all instances of harassment, abuse and verbal aggression.)
- Recording meetings or conversations without the prior knowledge and consent of parties present.



- Making unreasonable demands on the school/complainant relationship such as insisting on responses to complaints or enquiries being provided more urgently than is reasonable.

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

If a complainant has been identified as habitual or vexatious under the scope of this section of the policy, the Headteacher and Chair of Governors will decide what action to take. They will implement the action and 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.

### **Possible Actions**

**Possible actions include but are not limited to the following:**

- Withdrawal or restriction of contact either in person, by telephone, text, video message, email, letter or any combination provided that at least one form of contact is maintained.
- Notification to the complainant in writing that the complaint has been fully responded to, a resolution has been attempted and that there is nothing further to add with continuing contact on the matter serving no useful purpose. This notification will include with the notification that any further complaints relative to the same period of time or similar issues will be acknowledged but not answered.
- Temporarily suspend, for a period to be specified, all contact with the complainant (provided that the Governing Body will not withdraw any services to which the complainant has a legal entitlement to receive)
- In extreme circumstances, informing the complainant that the school reserves the right to pass unreasonable or vexatious complaints to the school's legal advisers and may result in legal action against the complainant.

### **Review of the Decision**

Once a complainant has been determined as habitual or vexatious, that decision will be reviewed at once every six months, or on request to do so by the complainant so categorised provided such a request has not been received in the previous six months. If the person categorised as habitual or vexatious is not satisfied with the review decision reached, he/she may request that the decision is reviewed by the Governors who will appoint a panel of two governors. A review request may only be received once in any six month period. The panel may either withdraw the categorisation or may amend the strategy being applied. Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the Headteacher and Clerk to the governors who will maintain a central register of such decisions.

Statistical information will be presented annually to the Governing Body with details of complainants who are categorised as habitual and/or vexatious.

Governors may be approached by individuals who have been identified by the school as habitual/vexatious complainants. In such cases they may ask the school to write to those individuals on their behalf to explain that the governor will not be able to deal with the issue whilst they continue to be a vexatious/habitual complainant.

### **See also**

Safeguarding Children Policy

Communication Policy

[Best Practice Advice for School Complaints Procedures 2019](#)



**Appendix 1**

**Complaint Form**

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

<b>Your Name</b> (Please print)			
<b>Pupil/Student Name</b> (if relevant)			
<b>Your relationship to the pupil/student</b> (if relevant)			
<b>Address</b> (including Post Code)			
<b>Daytime Telephone/Text number</b>		<b>Evening Telephone/Text number</b>	
<b>Please give details of your complaint</b>			
<b>What action, if any, have you already taken to try and resolve your complaint? (to whom did you speak and what was the response?)</b>			



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

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**Are you attaching any paperwork? If so, please give details**

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<b>Signature</b>		<b>Date</b>	
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**Official Use**

<b>Date acknowledgement sent:</b>	
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<b>By whom?</b>	
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<b>Complaint referred to:</b>	
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<b>Date:</b>	
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## Appendix 2

### Formal Complaint Flow Chart

#### Stage One

The Deputy Headteacher will acknowledge within five school days and respond to the concern within 15 school days from the date of acknowledgement and will offer a meeting with the parent/carer at a mutually convenient time.

#### Stage Two

The Headteacher will acknowledge within five school days and respond to the concern within 15 school days from the date of acknowledgement and will offer a meeting with the parent/carer at a mutually convenient time

#### Stage Three

The Chair of Governors will gather evidence  
The Chair of Governors will give their decision, in writing, within 20 school days of the meeting along with their reasons

If the complainant is unhappy with the way in which a school has dealt with the complaint, they may be able to approach the Secretary of State, Department for Education to intervene