Penwortham Primary School

Complaints Policy
(Including Handling Unreasonably Persistent, Harassing, Vexatious or Abusive Complaints)

Article 28: You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

Signed: .................................................. Date: 11/3/19
Headteacher

Signed: .................................................. Date: 11/3/19
Chair of Committee

Signed: .................................................. Date: 11/3/19
Chair of Governing Body

Next Review: Spring 2022
Source of this document: The Key for School Leaders
Complaints Policy – Information for parents

Introduction

Penwortham Primary School is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

All school staff will be made aware of complaints procedures and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

This policy explains that procedure, and the steps that it outlines should be referred to and followed by all pupils and their parents whenever an issue arises that causes them concern.

This policy does not apply to complaints about: admissions, exclusions and staff disciplinary proceedings.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this policy.

For more information on our school’s provision for protecting our pupils, read our child protection and safeguarding policy.

1. When a concern first arises, informal stage

When a concern first arises, it is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this informal stage. We encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

Therefore you should approach your child’s teacher first as they will be best placed to help you. If the complaint cannot be resolved by the class teacher, or is about the teacher then speak to the Year Group Leader who will then decide whether to escalate the complaint to the Assistant Head or Deputy Head or in a more serious cases the Headteacher. Your complaint should either be made in writing or contact the Headteacher’s PA to arrange an appointment.

If your complaint is of a serious nature e.g. safeguarding or child protection it may be appropriate raise this immediately with the Headteacher or Deputy Headteacher in the Heads absence.

If your complaint is about the Headteacher, you should raise your concern in writing with the Chair of Governors.

The Chair of Governors may refer complaints that are taken straight to them back to the appropriate member of staff if they do not warrant the governing body’s involvement at that point.

Please see Appendix 1 for Guidance document "How to make a complaint about a School"

1.2 Initial informal meeting, complaint heard by staff member

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You are welcome to bring a friend or partner to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the Headteacher.

2. Formal complaints, complaint heard by Headteacher

In order to ensure that complaints are processed efficiently and effectively, Penwortham Primary School deals with formal complaints in three stages:

Stage 1: The Headteacher

If you do not feel that your concern or complaint has been resolved at the informal stage you should put your complaint in writing (a complaint form is provided to assist you) to the Headteacher who should acknowledge your complaint in writing within 14 days. They will outline their decision if there is one to be made, and any action to be taken as a result of your complaint.

The Headteacher may call you in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen next as a result of your complaint.

The Headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint.

If the complaint is against a member of staff, the Headteacher will talk to that employee. If it is an allegation of abuse, a formal investigation may be instigated by the school or external child welfare authorities to whom the school reports. Please refer to our Child Protection and Safeguarding policy for an outline of this procedure.

Complaints about the Headteacher should be reported to the Chair of Governors by letter or via the school office (office e-mail address).

Stage 2: The Chair of Governors

If, having spoken to the Headteacher, you are dissatisfied, you may lodge your complaint with the Chair of Governors in writing, explaining your concern and the steps that have lead up to you taking this course of action.

If the complaint is against a member of staff, that employee will be given the opportunity to write a response, which will be sent to the Chair of Governors within a reasonable period of days as specified by the Chair of Governors, of the complaint being lodged with them.

The Chair of Governors will respond to you in writing within 14 days outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

3. Appeals

Stage 3: Governor Appeal Panel

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If you would like to launch an appeal following the outcome of a formal complaint that you have lodged, this will be taken to the appeals panel of the governing body.

The Appeals Panel

The appeals panel will be made up of members of the governing body. No member of the governing body can sit on the appeals panel if they have had any former knowledge or involvement in the case that is being dealt with at that time.

The panel will give careful consideration to how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to present or explain information.

Appeals procedure

The procedure for an appeal is as follows:

1. The complainant and Headteacher will enter the hearing together.
2. The chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The Headteacher and panel will question the complainant.
5. The Headteacher will explain the school’s actions.
6. The complainant and panel will question the Headteacher.
7. The complainant will sum up their complaint.
8. The Headteacher will sum up the school’s actions.
9. The chair will explain that both parties will hear from the panel within 7 working days.
10. Both parties will leave together while the panel decides.
11. The clerk will stay with the panel to clarify.

The Appeals Panel will:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school’s systems or procedures as a preventative step against similar problems arising in the future.

Penwortham Primary School will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively.

The panel’s decision is final. If you are unhappy with the outcome, you have the choice of seeking mediation (see below) or you are entitled to take your complaint to the Secretary of State for Education.

Stage 4. Local Authority Mediation Role – optional

Local Authorities are not part of the formal statutory process for school complaints. However Penwortham Primary School works closely with Wandsworth Local Education Authority and governors believe there can be value in using a mediation process for some complaints. If both parties are in agreement, Penwortham Primary School Governors have agreed to offer Local Authority mediation at this stage before a complaint is escalated to the Secretary of State for Education.

Mediation is an effort to bring the two parties together; it does not formally reinvestigate or propose remedies. Wandsworth Local Authority mediation service can not impose a resolution to a complaint. Wandsworth involvement in mediation shall be time limited to no more than six weeks; school term times will need to be taken into consideration. Should a resolution fail to be reached within this time

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period, the complainant will be advised of their right to escalate their complaint to the Secretary of State for Education.

5. Complaints about the Governing Body or LA to the Secretary of State

The Secretary of State may hear a complaint and intervene if:

- the complaint relates to a failure by the governing body or LA to carry out its statutory duties
- the complainant believes the governing body or LA is acting unreasonably. The test for this is that no reasonable authority or governing body, acting with due regard to its statutory duties, would have reached that decision
- intervention is expedient (i.e., there is an instruction the Secretary of State can give to one or other party that would put matters right).

The complainant should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint. They should write to The Secretary of State, Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT or call 0870 001 2288.

6. Complaints to Ofsted

Ofsted also has powers to investigate certain complaints by parents about their child’s school. Complainants should write to Ofsted, Royal Exchange Buildings, St Ann’s Square, Manchester, M2 7LA or call 08456 404045 or email enquiries@ofsted.gov.uk

7. Staff complaints

Staff who have a concern about a colleague or a volunteer member of staff should refer to our whistleblowing policy.

The procedure for dealing with any other staff complaints or employment grievances is set out in the school’s staff discipline, conduct and grievance policy.

8. Handling Unreasonably Persistent, Harassing, Vexatious or Abusive Complaints

The Headteacher and governing body are committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents/carers to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

The aim of this policy is to clarify the process for dealing with unreasonable complainants or parents who do not act appropriately.

9. What do we mean by ‘an unreasonable’ or ‘persistent’ complainant’?

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

Unreasonable behaviour may include:

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• Actions which are:
  • Out of proportion to the nature of the complaint, or
  • Persistent – even when the complaints procedure has been exhausted, or
  • Personally abusive or harassing, or
  • Unjustifiably repetitious or
  • Obsessive, harassing, or prolific

• An insistence on:
  • Pursuing unjustified or unmeritorious complaints and/or;
  • Repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant, but cannot be changed, for example the outcome is beyond the remit of the school because it is unlawful.
  • Unreasonable outcomes to justified complaints
  • Pursuing justifiable complaints in an unreasonable manner e.g. using abusive, intimidating, threatening language or personally abusive language and/or
  • Making complaints in public or on social media networking sites;
  • Refusing to attend appointments to discuss the complaint
  • Making complaints public
  • Only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters
  • Prolific correspondence or excessive email or telephone contact about a concern or complaint.
  • Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
  • Acting in a way not in line with the school aim of reaching a resolution and working with the school
  • Uses the freedom of information requests excessively and unreasonably

10. What is ‘harassment’?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

• It appears to be deliberately targeted over a significant period of time at one or more members of school staff or others.

• The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others;

• It has a significant and disproportionate adverse effect on the school community.

• Actions are pursued aggressively or in any manner not appropriate to an effective resolution

11. What can you expect from the school?

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

• Follow the School’s complaints procedure

• Respond within a reasonable time;

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12. What the school expects of you

The school expects anyone who wishes to raise concerns with the school to:

- Treat all staff with courtesy and respect
- Respect the needs and well-being of pupils and staff within the school;
- Never to use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time;
- Follow the school's complaints procedure.
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front on other parents or pupils and not in an open public space or on social media or group emails)
- To be prepared to work towards a resolution and in partnership with the school

School’s responses to unreasonably persistent complaints, vexatious complainants, unreasonable complaints or harassment

This policy is intended to be used in conjunction with the school’s complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution.

However, in cases of unreasonably persistent complaints or harassment, if the behaviour is not modified the school will take any or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/Harassment Policy;
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication.
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the School considers to be reasonable
- Place restrictions on the individual’s access to school and/or school staff.

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• Cease all correspondence and communication with the complainant other than that necessary for the health and safety and/or well-being of any child/adult in school.

• Involve the chair of the Governing body and officers of the local authority by taking advice from HR/Legal services and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban.

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

13. Physical or verbal aggression

The school, governing body and Wandsworth Council will not tolerate any form of physical or verbal aggression or personal harassment against school staff. If staff are subject to this type of aggression the school may:

• Prohibit the individual from entering the school site, with immediate effect;
• Take advice from HR legal services.
• Inform the individual that communication with them will cease other than in an emergency
• Call the police
• Request an Anti-Social Behaviour Order (ASBO);
• Prosecute under Anti-Harassment legislation.

14. Time frame and Review

If a complainant’s harassing/persistent 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.

If a complainant’s harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Schools complaints policy, the School will use its discretion and may resume the investigation of the complaint. The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy

Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered, even if the person making them is (or has been) subject to the vexatious or persistent complaints policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

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How to make a complaint summary

Each school is required to have, and publish a complaints procedure. This will set out the steps you should follow if you have a complaint about your child’s school. However as a general rule most schools will follow the procedure set out below.

Step 1
The first person you should raise your complaint with should be your child’s class teacher, unless the complaint is about the actual teacher, then you should proceed to step 2.

Step 2
If the complaint cannot be resolved by the class teacher, or is about the teacher then speak to the Year Group Leader who will then decide whether to escalate the complaint to the Assistant Head or Deputy Head or in more serious cases the Headteacher. Your complaint should either be made in writing or contact the Headteacher’s PA to arrange an appointment.

Step 4
If you are unhappy with the way the Headteacher has dealt with your complaint, or if your complaint is about the Headteacher, you should contact the Chair of Governors at the school. The school governors will look into your complaint and will write to you with a reply. Your complaint should be made in writing and handed into the school in a sealed envelope marked for the attention of the Chair of Governors c/o Penwortham primary school.

Step 4
if you are unhappy with the way the governing body has dealt with your complaint, or if your complaint is about the governing body, you can write to the Local Authority or Secretary of State for Education.

Additional Information

Wandsworth Council Mediation

You will always retain the right to raise your complaint with the Secretary of State for Education but it may be helpful to approach the council to mediate between you and your child’s school before you take this step. Wandsworth council has a good working relationship with many schools in the borough and is willing to offer a mediation service if a school includes mediation as part of their complaints procedure.

Because the council has no formal role in school complaints it is limited in how the complaint is investigated and you or the school are not obliged to agree with the remedies it proposes.

The council’s involvement will generally be limited to six weeks; school term times will need to be taken into consideration.

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