



# School Complaints Procedure

September 2022



Lauriston School



## I. 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. HUMAN RIGHTS

2.1 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.

## 3. PARENTS' EXPECTATIONS OF THE SCHOOL:

3.1 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:
  - (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 and/or 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/students 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 Hackney Learning Trust.
- f) keep complainants informed of progress towards a resolution of the issues raised

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

4.1 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

### **School Complaints Procedure**

- Governing bodies are required by law to have a procedure in place to deal with complaints relating to a school or the provision of community facilities or services at the school. The law requires that this procedure must be publicised.
- The vast majority of complaints and concerns can be resolved informally.
- A complaint can be brought by a parent of a registered child at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school. The procedure refers to this person as a complainant.
- The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.
- The Head of School has the nominated responsibility for the operation and management of the school complaints procedure.
- Complaints will be securely stored by the school for 6 years from the date of resolution, after which contentious disputes will be further reviewed for retention and routine complaints will be securely disposed of.

## Special Circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the Executive Head or governing body.

## Other Solutions to Complaints

Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

## Stage 1 - Dealing with concerns informally

- The complainant will be given an opportunity to discuss their concern with the appropriate member of staff. An appointment may need to be made. On major issues, the Head of School or Executive Head may be the appropriate member of staff at this stage.
- The complainant will be able to bring a friend to any discussion.
- The member of staff dealing with the concern will make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- This stage will be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant will be informed that s/he will need to consider whether to make a formal complaint in writing to the Head of School. To assist in this process a complaint form will be provided.

## Stage 2 – Referral to the Head of School for investigation

- The Head of School will acknowledge the complaint in writing. In some cases, the Head of School will have already been involved in looking at the matter; in others it will be their first involvement.
- The Head of School will consider providing an opportunity to meet with the complainant to supplement any information previously provided.

- If the complaint is against a member of staff the Head of School will talk to the staff member against whom the complaint has been made.
- If necessary, the Head of School will interview witnesses and take statements from those involved.
- The Head of School will keep reasonable written records of meetings, telephone conversations and other documentation.
- Once all the relevant facts have been established, the Head of School will produce a written response to the complainant. The Head of School may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve the complaint.
- Stage 2 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Head of School will write to the complainant giving a revised target date.
- The school will not pay financial compensation as a response to complaints
- The formal stage 2 response will also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Executive Head within 15 school days of receiving the outcome letter. The outcome letter will set out the name of the Executive Head and the address to which the complainant can send the letter.
- **Complaints against the Head of School** - If the complaint is wholly or mainly about the Head of School, the Executive Head will consider the complaint in accordance with Stage 3 of the procedure described below. However, before Stage 3 is instigated, the Executive Head will invite the Head of School to respond to the complaint in writing within ten school days. The Executive Head will send a copy of the Head of School's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 3 will commence as described below.

### Stage 3 – Referral to the Executive Head for investigation

- The Executive Head will acknowledge the complaint in writing. In some cases, the Executive Head will have already been involved in looking at the matter; in others it will be their first involvement.

- The Executive Head will consider providing an opportunity to meet with the complainant to supplement any information previously provided.
- If the complaint is against a member of staff the Executive Head will talk to the staff member against whom the complaint has been made.
- If necessary, the Executive Head will interview witnesses and take statements from those involved.
- The Executive Head will keep reasonable written records of meetings, telephone conversations and other documentation.
- Once all the relevant facts have been established, the Executive Head will produce a written response to the complainant. The Executive Head may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve the complaint.
- Stage 3 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Executive Head will write to the complainant giving a revised target date.
- The school will not pay financial compensation as a response to complaints
- The formal stage 3 response will also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter will set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.

### **Complaints against the Executive Head**

If the complaint is wholly or mainly about the Executive Head, the Governing Body will consider the complaint in accordance with Stage 4 of the procedure described below.

However, before Stage 4 is instigated, the Chair of the Governing Body will invite the Executive Head to respond to the complaint in writing within ten school days. The Chair will send a copy of the Executive Head's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 4 will commence as described in paragraph 3.1 below.

## Stage 4 – Consideration by the Governing Body

If the complainant decides to take the matter further, the Chair of the Governing Body will write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Executive Head and the Clerk to the Governing Body.

Investigating the complaint – If the complaint has been investigated at Stage 3, the result of the investigation will be made available to the Clerk/Chair by the Executive Head. However, where the complaint is against the Executive Head and the complaint is referred to Stage 4, the Chair of the Governing Body must decide how the complaint should be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.

The governing body have established a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

The Executive Head will not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint, then the Chair **must not** sit on the CAP.

The CAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The Chair of the CAP will take a decision at the beginning of Stage 4 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
  - Provide independent advice on procedure and evidence;
  - Ensure that the relevant facts are established;
  - Minute the meeting; and draft the decision letter.
- The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Executive Head.
  - The Clerk/Chair of the CAP will confirm the date of the meeting with the other governor(s).
  - The complainant and Executive Head will be invited to attend the meeting. The date and time of the meeting should be convenient to the complainant and Executive Head, within reason.

The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

- o The Executive Head will also be invited to prepare a written report for the CAP in response to the complaint.
- o All relevant correspondence regarding the complaint will be circulated to the CAP; the complainant and the Executive Head in advance of the meeting.
- o If the Executive Head and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.
- o It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.
- o The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.
- o If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.
- o The meeting will allow for: -
  - The complainant to explain his or her complaint and the Executive Head to explain the reasons for their decision;
  - The Executive Head to question the complainant about the complaint and the complainant to question the Executive Head;
  - The CAP to have an opportunity to question both the complainant and the Executive Head;
  - Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; anda final statement by the Executive Head and complainant.
- o The Chair of the CAP will explain to the complainant and the Executive Head that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Executive Head and any witnesses will then leave.



- o The CAP will consider the complaint and all the evidence presented and reach a unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.
- o As in Section 1.8 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.
- o The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Executive Head.
- o Stage 4 will be completed in 15 school days. However, it is recognised that this timetable is likely to improve impossible for complaints which are complex. In such cases the chair of the complaints committee will write to the complainant and Executive Head giving a revised target date.

#### 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, they need 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 at the following link: <https://www.gov.uk/complain-about-school>

#### Vexatious Complaints

There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

The Executive Head 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.

## **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:

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

- i 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.
- ii This will be confirmed in writing

- iii 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, consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban
  - e) consider taking advice from Hackney Education on pursuing a case under Anti- Harassment legislation
  
- iv 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. In these circumstances advice may be sought from Hackney Education.
  
- v 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 Hackney Education.