



STAG LANE SCHOOLS Complaints Policy



Article 3: The best interests of the child must be a top priority in all actions concerning children.

Status	Statutory
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Chair of Governors:	

Stag Lane Schools Complaint Policy

Aims

The aim of Stag Lane Schools is to meet the needs of each pupil, where reasonably possible and ensure each child enjoys his/her rights. The staff, parents and Governors should strive to work in partnership to best achieve these goals.

We want our pupils to do well and feel happy at school. However, we do recognise that, on occasions, concerns or difficulties do arise. In this event, parents/carers are encouraged to contact the school to have any difficulties or concerns resolved at the earliest possible stage. By taking such matters seriously the School aims to develop a strong working relationship with parents/carers and to deal promptly and fairly with all concerns and complaints.

Any member of the teaching staff may be contacted by a parent/carer and asked to deal with a particular concern or incident. In most cases the class teacher will receive the first approach and the issue can be dealt with informally. However, when informal means are unable to resolve an issue and a parent/carer wishes to take the matter further, or if a parent/carer wishes a matter to be dealt with formally, this formal complaints policy should be used.

Parents/carers are reminded that the School will do its utmost to guarantee the confidentiality of any complainant and the substance of their complaints. The School will respect the views of a person who indicates that he/she would have difficulty discussing a matter with a particular member of staff. Similarly, if a member of staff directly involved feels compromised then the matter may be referred to another member of staff to deal with.

Complaints should be raised with the School as soon as possible to allow for a proper investigation. Generally, if a complaint is more than 6 months old, the School or the Governing Body, may consider this too late to take any action. The School should aim to complete each stage of the procedure in no more than 10-15 days each. If this timescale cannot be met, the parent/carer should be notified and a revised timescale provided.

This procedure does not deal with complaints about the curriculum and collective worship (which should be made to the London Borough of Harrow) and it does not deal with grievances raised by one staff member against another (see grievance policy). It does not deal with staff disciplinary arrangements (see disciplinary policy).

Parents are expected to follow this process and work with the school to achieve a resolution.

If any formal complaint is raised with the School, the following procedure applies:

Stage 1

1. Any member of the teaching staff may be contacted by a parent/carer and asked to deal with a formal complaint.
2. The member of staff contacted must liaise with parent(s)/carer(s) and must seek to resolve the matter in accordance with this policy and taking into account the accompanying Guidance notes. This may involve the member of staff asking a colleague to deal or assist with the matter. All staff are encouraged to resolve problems as swiftly as possible.
3. It is important that the parent/carer is informed of any delay in dealing with their complaint. Once this stage has been concluded the parent/carer should normally be notified of the outcome in writing. If the problem has not been resolved then the letter should explain the next stage of the process.
4. As soon as complaint is received, the School must keep a record of all actions and decisions taken in response to the complaint. This should be recorded in a complaints book/file and be used to review practice and consider any emerging patterns or trends that need attention.
5. The Headteacher should provide a report at least annually to Governors on complaints received by the school.

If the problem is resolved no further action is taken and the matter is closed.

Stage 2

1. If a parent/carer indicates that they are unhappy with the above response and that the matter remains unresolved, it must be referred to the Headteacher; preferably in writing (a form is available from the school for this purpose at Appendix 1 of the Guidance Notes). Support will be made available to anyone who has difficulty reading and/or writing in English.
2. The Headteacher will decide who should investigate the complaint and manage the investigation. The Headteacher must then send out a letter acknowledging receipt of the complaint stating who is to be the investigating officer and estimating how long it will be before a response can be given. A copy of the complaints procedure should be enclosed with the letter.
3. If the complaint is about an action of the Headteacher, then the Governing Body should deal with it at stage 3.

Investigating a Complaint

To investigate a complaint the Headteacher should normally comply with the following best practice:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary);
- 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;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of the interview.

Once the investigation is complete, the Headteacher must send a letter to the complainant together with (A) a copy of the Investigating Officers' Report. (An example report format is in the Guidance notes) **OR** (B) ensure that the letter includes the following:

- (i) details of any investigation conducted;
- (ii) details of any action taken;
- (iii) details of any recommendations made as a result of the investigation; and
- (iv) details of the Headteacher's decision upon the complaint – they may delegate the task of investigating to another staff member but not the decision on the action to be taken.

The letter must also specify that if the complainants are unhappy with the Headteacher's decision they can:

- (i) meet informally with the Chair of the Governing Body (or nominated governor) to discuss the matter with the option of further complaining to the Governing Body in a formal capacity, if they so choose.
- (ii) further complain in a formal capacity to the Governing Body.

If the complaint is resolved no further action is taken and the matter is closed.

Stage 3

Meeting with The Chair of the Governing Body or Nominee Governor to discuss the matter

If a parent/carer indicates that they want to go down this route, the School must consider organising for The Chair or Nominee Governor to meet with them as soon as is practicable. The complaint must be put in writing addressed to the Chair of Governors. The purpose of the meeting or meetings is for the parent/carer to air their grievances with the School. However, such a meeting is at the Chair's discretion, if refused the complainant may proceed to Stage 4

N.B. The Nominee must not be a staff/teacher governor.

The role of the Chair or Nominee Governor is to review the Headteacher's decision, carrying out any additional investigation if necessary, and make recommendations on the handling of the complaint. The Chair or Nominee will not, however, make any decision as to whether or not the complaint is justified or whether any redress should be given to the complainant. That is the remit of the Governing Body Complaint Panel. If a parent/carer meets informally with a governor, they are still entitled to be heard by a Governing Body Complaint Panel.

The Chair or Nominee Governor should ensure (if possible) that the complaint remains confidential and should avoid discussing the complaint with other members of the Governing Body. This will avoid any conflicts of interest should the parent/carer decide to proceed to Stage 4.

If the complaint is resolved no further action is taken and matter is closed.

The Governing Body Complaint Panel Hearing is the last School based stage of the complaints process and is not convened just to rubber stamp decisions previously made.

Stage 4

The Governing Body Complaint Panel and Procedure

The remit of the Complaints Panel

The panel can:

- review the complaint. (The Panel will not re-investigate the complaint.)
- dismiss the points of complaint in whole or in part;
- uphold the points of complaint in whole or in part;
- make recommendations or decide where it has appropriate remit to 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.

Procedure before the hearing

On receipt of a complaint the Clerk to the Governing Body, must send a letter to the complainant requesting them to send in any documentation they wish to be considered by the Complaint Panel.

The Clerk to the Governing Body must set a date for the hearing within 30 school days from the date of receipt of the complaint and additional documentation. The school should aim to have the hearing on a date and time that is convenient to all parties. The Clerk must notify the complainant, by letter, of the date of the hearing; inviting the complainant to attend the hearing; state that the complainant can bring along a friend or representative to assist them at the hearing; and state who will represent the School.

Any documentation upon which either party intends to rely should be circulated to all parties at least 5 school days before the hearing.

The complaint must be heard by a Panel and convened in the following way:

- (i) A Panel of 3 governors will be convened from the Governing Body. The Panel then elects its Chair.
- (ii) The Chair, Vice Chair and all governors who are members of the school staff will be excluded from the Panel.
- (iii) No governor may sit on the Panel if they have had a prior involvement in the complaint (at Stage 3) or the circumstances surrounding it. The governors should try to ensure that the panel represents a cross section of categories of governor and is sensitive to issues of race, gender and religious affiliation.
- (iv) The Panel convened to hear the complaint will comprise the same governors throughout in the unlikely event of more than one session being required, unless exceptional circumstances do not make this possible.

The procedure of the hearing will be as follows:

- The Chair of the Panel will introduce the Panel, explain the procedure and the remit of the Panel.
- The hearing will be clerked by the Clerk to the Governing Body
- The Panel may invite a Harrow Officer to attend throughout for advisory purposes.
- Those making the complaint will speak first then the Panel may ask questions of them.
- The Headteacher and any employees of the School brought to the hearing by the Headteacher will speak next and the Panel will then ask questions.
- The Panel will ask relevant questions to elicit detailed information from both parties and any other relevant persons.
- Those making the complaint and the Headteacher may also ask questions (through the Chair).
- Following the Panel's questions, those making the complaint and then the Headteacher will each be given the opportunity to make a short concluding statement.
- All parties will be asked to withdraw and the Panel will make a decision.
- In deciding the complaint, the Panel will apply the following test:
 - (i) On the balance of probability should the complaint be upheld?
 - (ii) If yes:
 - (iii) What should the Panel do to effectively remedy the complaint and give the complainant redress?

- The decision will be made by a simple majority of the Panel.

Procedure after the Hearing

- The decision together with the reasons for it will be communicated in writing to both parties by the Chair of the Panel within 5 school days.
- This decision is binding upon the Governing Body, and the Headteacher. Complainants have the right to go to the Secretary of State if procedure is not followed or Ofsted if there is a wider school issue
- A brief report on the complaint and decision of the Complaint Panel will be made (as a Part II Confidential Item) to the next meeting of the full Governing Body.
- The Chair of the Governing Body and the Headteacher (as appropriate) must deal with any recommendations from the Complaint Panel without delay and within any timescales set down by the Panel

Unreasonably persistent/vexatious complaints and complainants

If at any stage of the complaints process, the Headteacher and Governing Body considers a complaint or complainant to be unreasonably persistent or vexatious, having regard to the criteria set out in Appendix 1, the complainant shall be notified. In addition to the options set out under the heading “Restricting Contact” in Appendix 1, one of the following decisions may be taken:

- That no further action shall be taken in relation to a complaint being considered or investigated under this complaints procedure.
- That a complainant may not be permitted to take a complaint to the next stage in the procedure.
- That, no action will be taken in relation to a new complaint made by a complainant who is considered to be unreasonably persistent or vexatious. (Such a decision will only be taken after having given the new complaint due consideration in accordance with Appendix 1.)
- In any case, the complainant will be notified of the reasons for this decision in writing.

There are no further rights of appeal to the School. However further advice and/or assistance is available from the following sources:

Advisory Centre for Education (ACE)

(Advice line for parents on all matters concerning schools)

1c Aberdeen Studios
22 Highbury Grove, London,
London, N5 2DQ

Tel: 0808 800 5793

www.ace-ed.org.uk

Citizens' Advice Bureau

Civic Centre

Station Road

Harrow, HA2 6AG

Tel: 0870 126 4460

Harrow Association of Disabled people (HAD)

3rd Floor, Premier House
Canning Road
Wealdstone, Harrow, HA3 7TS
Tel: 020 8861 9920

Harrow Association of Voluntary Services (HAVS)

64 Pinner Road
Harrow, HA1 4HZ
Tel: 020 8863 6707

Harrow Council for Racial Equality (HCRE)

The Lodge
64 Pinner Road
Harrow, HA1 4HZ
Tel: 020 8427 6504

Secretary of State for Education

Department for Education and Skills (DFES)
Sanctuary Buildings
Great Smith Street
Westminster,
London, SW1P 3BT
Tel: 0870 000 2288
www.dfes.gov.uk

Parents' Gateway

This is also located on the DfES website and provides a range of advice and information on matters of interest to parents, including the DfES Parents' Centre which tells you about your child's education and how you can help.

Parentline Plus (National Helpline for parents)

520 Highgate Studios
53-790 Highgate Road
Kentish Town
London, NW5 1TL
Tel: 0808 800 2222

Kidscape

(Bullying counsellor available 10.00 – 4.00 Monday to Friday)
2 Grosvenor Gardens
London, SW1W 0DH
Tel: 0207 730 3300

Advice and support on dealing with concerns and complaints is also available from the People First, Harrow.

If you require help in understanding this document or completing the form, please ask a friend or relative to contact us on your behalf. The telephone number is 020 8866 9836.

Appendix 1

Determining which complaints/complainants are unreasonably persistent/vexatious

This documents sets out some of the criteria which may be considered when determining whether or not a complaint or complainant is unreasonably persistent or vexations. It is not intended as an exhaustive list. This document forms part of the complaints policy.

Many complainants are angry and aggrieved, sometimes with good cause. Most behave in legitimate ways. A very small minority make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the School (which includes staff, parents and governors) rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters over and over again.

Is a complaint vexatious?

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult.

Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered, and a decision made as to whether it is vexatious or genuine.

An unreasonably persistent/vexatious complaint is likely to include some of the following:

- 1 The complaint arises from an historic and irreversible decision or incident.
- 2 The complainant fails to articulate a clear point of complaint or any credible evidence to support the complaint even when prompted and the use of an advocate has been suggested.
- 3 Contact with the School is frequent, complicated and stressful. For example making so many points of complaint as to take up disproportionate staff time or where virtually all interactions generate further complaints.
- 4 The person making the complaint behaves in an aggressive or intimidatory manner to staff when he presents his complaint or is verbally abusive or threatening.
- 5 The person making the complaint changes aspects of the complaint during the investigation or Review Panel.

- 6 The complainant refuses to accept factual evidence or overwhelming corroborating evidence.
- 7 The complainant refuses to engage with the complaints process (including saying they are not making a complaint).
- 8 Making the same complaint repeatedly (with minor differences), but never accepts the outcomes. (A decision will have to be made as to whether or not the matters and/or circumstances are sufficiently different to justify being considered as a new complaint).
- 9 Seeking an unrealistic outcome and persisting until it is reached.
- 10 A history of the person making other unreasonably persistent complaints.

Where a complaint is considered by the Headteacher and Governing Body to be vexatious, the Head Teacher/Governing Body must ensure that they can demonstrate that they have considered the complaints as fully as is appropriate. This will normally be through one of the following:

1. Considering the substantive issues at all applicable stages of the complaints procedure.
2. Advising the person making the complaint that he does not constitute a person who may complain and/or that his complaints are not a matter suitable for consideration or determination under the complaints procedure.
3. Attempting to move the complaint on to the next stage, but finding that the person making the complaint has either refused or delayed such progression through excessive objection to the process, rather than addressing the substantive issues of the complaint themselves. This would apply if the complainant has been offered the next stage for previous similar complaints and chosen not to proceed.

Restricting contact

In some circumstances, it may be appropriate to restrict access to the School's Complaints procedure. This decision will be taken by the Headteacher in conjunction with the Governing Body. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

1. requesting contact in a particular form (for example, letters only);
2. requiring contact to take place with a named individual only;
3. restricting telephone calls to specified days and times and time-limits;
4. asking the person making the complaint to enter into an agreement about their future contact/conduct with the School.

Significant restrictions should always be set out in writing to the complainant.