

Hazel Oak School



COMPLAINTS POLICY

Policy date: October 2018

Policy review date: October 2019

HAZEL OAK SCHOOL COMPLAINTS POLICY

This policy should be used in conjunction with the DfE Best Practice Advice for School Complaints Procedures (January 2016) and alongside Hazel Oak School's Home/School Agreement.

Introduction

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002 to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex pupil. The law also requires the procedure to be publicised.

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. A 'concern' may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.'* It is in everyone's interest that complaints are resolved informally, without the need to invoke formal procedures. However, there are occasions when complainants would like to raise their concerns formally. In these cases, the formal complaints procedure should be used through the stages outlined below. For the school to be able to investigate a complaint, it needs to be made as soon as possible after an incident arises and within three months of the incident. If a complaint is made beyond this timeframe the school will consider exceptions to this if exceptional reasons for the delay are demonstrated.

The prime aim of Hazel Oak School's 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 may incur appropriate action by the school.

The School procedure for handling complaints is as follows:

- Stage 1 – A concern is raised informally with a staff member.
- Stage 2 – Formal complaint is heard by a senior member of staff.
- Stage 3 – Complaint is heard by Headteacher.
- Stage 4 – Complaint is heard by Governing Body's Complaints Appeal Panel.

Stage 1 – Raising a concern

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the child's class teacher, either in person, by telephone or in writing – this can include email. A record will be made of the complaint in the form of brief notes. The complainant will be asked to state what they think might resolve the issue.

On some occasions the concern raised may require investigation, or discussion with others, in which case the complainant will receive an informal but informed response within two working days. The vast majority of concerns will be satisfactorily dealt with in

this way. However, if the complainant is not satisfied with the result at stage 1, they should contact the school within 10 school working days and state what they would like the school to do. The school will then look at the complaint at the next stage.

Stage 2 – Complaint heard by a senior member of staff

Formal complaints shall be put in writing and addressed to a senior member of staff. The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 2 school working days of receiving it. In many cases this response will also report on the action the school has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days. The aim will be to resolve the matter as speedily as possible. However, if the complainant is not satisfied with the result at stage 2 they should contact the school within 10 school working days of receiving a response, explaining why they are still not satisfied and what they would like the school to do.

Stage 3 – Complaint heard by Headteacher

If the matter has not been resolved at Stage 2, the Headteacher will arrange for a further investigation. Following the investigation, the Headteacher will normally give a written response within 10 school working days. If the complainant is dissatisfied with the result at stage 3, they will need to let the school know within 10 school working days of receiving a response.

Stage 4 – Complaint heard by the Governing Body’s Complaints Appeal Panel

If the matter has still not been resolved at Stage 3, the complainant will need to write to the Chair of Governors giving details of the complaint. The Chair or a nominated Governor will convene a complaints panel. The hearing will normally take place within 10 school working days of the receipt of the written request for Stage 4 investigation.

The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel’s decision in writing within three school working days after the date of the hearing. The letter will also contain information regarding next steps if the complainant wishes to take the matter further.

* **N.B.** In cases where the matter concerns the conduct of the Headteacher, the Headteacher and Chair of Governors will be informed of the complaint. The Chair of Governors will arrange for the matter to be investigated. In cases where the matter concerns the conduct of a member of the Governing Body the member will be informed of the complaint.

The Governors appeal hearing is the last school-based stage of the complaints process.

Recording Complaints

The school will record the progress of any complaint, along with the final outcome. The Head Teacher is responsible for these records and holds them centrally. Complainants

have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Governing Body review

Complaints will not be shared with the whole governing body, except in general terms, in case an appeal panel is convened.

If the governing body is aware of the substance of a complaint before the final stage is completed, the school will arrange for an independent panel to hear the complaint. Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings; requests will be considered but ultimately the decision is made by the governors.

All complaints about the provision of facilities or services that a school provides are covered by this complaints policy, with the following exceptions:

Exceptions	Who to contact
Admissions, school re-organisation proposals, matters likely to require a Child Protection investigation	Concerns should be raised directly with Solihull local Authority
Exclusion of children from school	See: www.gov.uk/school-discipline-exclusions/exclusions
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation
Complaints about services provided by other providers who may use the school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

Serial and Persistent complaints

Hazel Oak school will do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, when a school is contacted repeatedly by an individual making the same points, or who asks the school to re-open the same issue, the chair of Governors can inform the complainant that the procedure has been completed and the matter is now closed. If the complainant contacts the school again with the same issue, the correspondence will be viewed as 'serial' or 'persistent' and the school may choose not to respond. If a school does not respond, this will be when:

- The school has taken all reasonable steps to address the complainant's needs;
- The complainant has been given a clear statement of the school's position;
- Repeated contact with the school is making substantially the same points every time

If the school agrees with one or more of the following statements, they will not respond to the complainant:

- The school has reason to believe that the individual is contacting them with the intention of causing disruption or inconvenience
- Communications are often or always abusive or aggressive
- They make insulting comments about or threats towards staff

If complainants are difficult to deal with because of their unreasonable behaviour, the school will approach the Local Authority (LA) complaints team to ask for assistance. If this is agreed, complainants can be advised not to contact the school but liaise with the LA who will co-ordinate a response.

If a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought.

Unreasonable complaints

Hazel Oak School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Hazel Oak defines unreasonable complaints as:

'those who, because of their frequency or nature of their contacts with school, hinder our consideration of their and other people's complaints'.

A complainant may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process while still wishing for their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaint procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken in to account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the Department for Education
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so wither face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as social media, websites and newspapers

Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent as it could delay the outcome being reached.

If the behaviour continues the Head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Hazel Oak School.

Barring from school premises

Although fulfilling a public function, schools are private places and the public has no automatic right of entry. Schools will act to make sure they remain a safe place for pupils, staff and other members of the community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave the premises. In serious cases, the Head Teacher or the Local Authority can notify them in writing that their implied licence to be on the school premises has been temporarily revoked subject to any representations that the parent may wish to make. Hazel Oak will always give the parent the opportunity to formally express, in writing, their views on the decision to bar from the premises. This will then be reviewed, taking in to account any representations made, and the bar either confirmed or lifted. The parent will be notified of this decision in writing, with an explanation of how long the bar will be in place.

Anyone wishing to complain about being barred can do so, via letter or email, to the Head Teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. The only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint. Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester M1 2WD

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