

# Allensbank Primary School



## Policy for Complaints (including Habitual or Vexatious Complaints)

**This policy will be reviewed annually**

**Head teacher:** \_\_\_\_\_

**Chair of Governors** \_\_\_\_\_

## **Mission Statement**

Allensbank Primary School is a happy and welcoming school that is committed to providing a friendly, safe and nurturing learning environment for all.

The school fosters respect, celebrates diversity and actively promotes high standards for all.

## **Vision Statement**

At Allensbank Primary School everyone works together to ensure that

- We lay the foundation for a love of learning through being committed to high quality provision which enables the development of skills for the future.
- We have high expectations of ourselves and achieve our full potential through a supportive, nurturing ethos.
- We have a safe, secure environment to learn in and we take pride in the appearance of both the indoor and outdoor learning environment.
- Pupils take responsibility for their own learning, working towards individual targets and celebrating their achievements.
- We show respect and consideration for others within our diverse school community and nurture positive partnerships with parents, carers and the wider community.
- We promote personal growth by actively encouraging relationships based on honesty, trust and respect.
- We have pride and confidence in ourselves as individuals and feel valued within our school.
- We recognise the importance of regular attendance which enables all pupils to achieve high standards.

## **1. INTRODUCTION**

Allensbank Primary School values the good relations it enjoys with parents and community. These good relations are based on a respect for what the school is achieving, on good communications and the provision of relevant and clear information.

Good relations are also supported by straightforward and well understood procedures for responding to expressions of concerns and dealing with the minority of such expressions which become formal complaints.

Treating expressions of concern seriously and responding to them quickly and effectively prevents the majority becoming more serious complaints. We believe that a school which listens and responds to expressions of concern can learn how to improve its communications and procedures.

This policy has been developed by the staff and governing body at Allensbank Primary School in order to make clear the procedure that should be followed in the event of serious concerns or complaints.

## **2. PURPOSE**

The purpose of this complaints procedure is to provide a framework in which:

- Parents are clear about how they can express concerns and how they will be responded to
- Pupils have a means of expressing their concerns and are responded to appropriately
- School staff and governors are clear about their roles and responsibilities in responding to concerns.

## **3. PRINCIPLES**

This complaints procedure seeks to create a process for all involved in the school community to express and resolve concerns.

Most questions that parents might have about the running of the school will be answered in School newsletters/Class information on the school website and the annual report for parents published by the governing body.

We recognize that parents have a right to be able to raise questions and concerns which go beyond these matters and to know how they will be dealt with. Parents also have a right to know what to do if they are not satisfied with the way in which their concerns have been received, how they can take the matter further and how such matters will then be dealt with.

Most of the time, concerns from parents can best be settled by talking to the headteacher or another member of staff. Parents are encouraged to bring their concerns to their child's classteacher, or to the headteacher, however trivial the concern may be, without hesitation. Our "open door" policy ensures that all staff, and the headteacher, are readily approachable and are here to listen and to help. We believe that resolving misunderstandings speedily and efficiently will significantly reduce the likelihood of these matters becoming formal complaints.

A summary of how we, as a staff and governing body, have agreed to deal with complaints is provided for all new parents when their children join the school. It has also been circulated to all existing parents and to the School Council.

All staff, teaching and non-teaching are aware of the complaints procedure and their role within it. Anonymous complaints will be disregarded.

It is our intention that our procedure should be as speedy as possible, consistent with fairness to all.

These principles below apply particularly when a concern has not been resolved informally and it takes on the character of a formal complaint:

- When a concern is not easily and informally resolved and becomes a formal complaint, all those involved in handling the complaint will respect the rights of the complainant and any other person involved.
- The complaint will be kept confidential and only those people who need to know about the complaint whether for the purposes of investigating it or deciding on the merits of the complaint will be made aware of the complaint except where the matter is already in the public domain.
- Any person about whom the complaint is made or who is affected by the complaint will have the right to have relevant information which is sufficient to enable them to respond fully to any matter which concerns them. Information may only be withheld where there is an identified need to protect the source of the information or there is a legal reason why the information should not be released (for example the Data Protection principles).
- All staff and governors have been involved in the development of this policy and procedure and will deal sensitively and appropriately with those people who wish to complain.
- If the outcome of a complaint shows a weakness in the process or procedure, then we will consider making changes to improve it.
- All complaints will be recorded and monitored to allow any lessons to be learned.
- The governing body will monitor the operation of the complaints procedure and evaluate its implementation annually.

#### **4. PUPIL ADVOCACY**

At Allensbank Primary School, we recognize pupils' rights to voice concerns or complaints within the school community. The current mechanism for this is via the School Council. Two representatives from each class (one from each of the Resource Base classes) are elected by secret ballot annually in the Autumn Term.

Issues to be brought to Council are discussed in Circle Time sessions ahead of meetings. Class Representatives will be the first point of contact for concerns to be raised. Where appropriate, Council members will raise their concerns with the Governing Body.

## **5. PROCEDURES**

This Policy is intended to apply to general complaints received by Allensbank Primary School

It does not apply to the following matters, for which there are separate and specific procedures:

- Complaints about failure to follow the National Curriculum or the provision of R.E. and collective worship.
- Disciplinary/capability complaints about members of staff which will be handled through the specific procedure, as set out in the Human Resources Manual for Schools.
- Grievance procedures for employees
- Exclusions, admissions and SEN issues where there is a right of appeal to the governing body or to an independent tribunal.
- Matters which are or have been the subject of legal proceedings or are under investigation by the police or some other competent body, for example. child protection issues.

## **6. A STAGED APPROACH**

The procedures described in this Policy set out a staged approach. The principle is to deal with as many of the complaints as possible at the earliest stages. There are three stages at school level:

Stage One	Informal stage	The intention is that the vast majority of concerns/complaints will be resolved informally.
Stage Two	Headteacher's Investigation	A formal investigation by the headteacher upon receipt of a written notification that a complaint has not been satisfactorily resolved informally.
Stage Three	Governing Body Review	A formal procedure, invoked following receipt of a written notification that stages one and two have not satisfied the parent, when the governing body seeks to establish the facts of the situation, to resolve the complaint if possible and to recommend action to prevent re-occurrence of the complaint where appropriate.

In addition, there are two further stages available when a complainant is dissatisfied with the outcomes of the governing body review. The purpose of these stages is to review the way in which the complaint has been handled; they are not rehearings of the substantive complaint.

Stage Four	County Council Review	Review of procedures
Stage Five	National Assembly Review	Review of procedures

## **7. THE ROLE OF THE COUNTY COUNCIL (SCHOOLS SERVICE)**

When the Schools Service receives a general complaint concerning the conduct of a school, the complainant will be referred to the school and advised to pursue the complaint through the school's complaints procedure.

(The exceptions to this are where the complaint concerns one of the areas covered by statutory requirements or is obviously concerned with child protection or staff disciplinary matters).

The complainant will be advised to contact the headteacher to take the matter further. If the complaint has already involved the headteacher, but has not been resolved to the satisfaction of the complainant, the complainant will be referred to the next stage of the school's complaints procedure and advised to contact the Chair of Governors.

The Schools Service will give advice to headteachers and schools on the use of complaints procedures at Stages One, Two and Three

If a school requests it, Officers from the Schools Service can be available during each stage of the process to offer information and advice, to carry out investigations on behalf of the school where an independent view will be helpful and to attempt mediation between parties.

The County Council will also provide a fourth review stage (see Appendix B). Upon receipt of a letter from a complainant expressing dissatisfaction with the outcomes of a governing body review, the Chief Schools Officer will designate an appropriate officer who will review the procedures followed by the school in order to establish whether the original complaint has been fairly and fully investigated.

## **8. STAGES OF THE COMPLAINTS PROCESS**

### **Stage one – the informal stage**

The vast majority of concerns and complaints can be resolved informally and speedily by the member of staff (or the headteacher) with whom the parents makes first contact:

- In the first instance, parents should contact their child's classteacher.
- Parents may speak to their child's classteacher before the morning session commences. Staff are available from 8.30 am. If parents wish to speak at greater length, they are respectfully asked to make an appointment with the classteacher at 3.15 pm., when the afternoon session ends and pupils are safely off the premises.
- If a governor, including the Chair of Governors, is approached by a parent directly with a complaint at this stage, the governor should refer the matter to the headteacher.

Concerns and complaints in many cases may be resolved following the initial contact. Our principle is to listen, investigate and ensure that the outcome is reported back. The Headteacher should be kept informed of any developments.

In all cases, members of staff dealing with a complaint should make a note of the date and details of the complaint and the outcomes of the contact and inform the headteacher.

If the concern or complaint is not immediately resolved, the staff member dealing with the matter should make sure that the complainant is clear about what will happen next. This should be put in writing if it seems the best way of making the outcome clear and of giving evidence of an attempt at resolution.

If it appears that the discussions are not going to lead to resolution and/or the complainant indicates that they are dissatisfied with the response, the staff member should inform the complainant of the next stage of the procedure.

**If the complaint is about the action of the headteacher, the matter must be referred to the Chair of Governors.**

### Stage Two - Headteacher's Investigation

Parents who wish to pursue a complaint to Stage Two will be asked to put the complaint in writing to the school. The headteacher will acknowledge the complaint in writing within **five working days** of receipt, giving a brief explanation of the complaints procedures and a target date for providing a response. This will be within **fifteen working days**. If it is not possible to deal with the matter in this time, the complainant will be informed of when it is likely to be concluded.

The headteacher will provide an opportunity for the complainant to meet her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities will be made available if required.

If necessary, the headteacher will interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil may also be interviewed, normally with his/her parent/guardian present. In some circumstances this may not be possible and a senior member of staff with whom the pupil feels comfortable will attend with him/her. If a member of staff is complained against, they need to be made aware of the complaint, have an opportunity to respond and be accompanied by a representative if required.

The headteacher will ensure that written records of meetings, telephone conversations and other documentation are kept.

Once all the relevant facts have been established, the headteacher will arrange a meeting with the complainant to discuss or resolve the matter. This meeting will be followed up with a letter setting out the outcome of the meeting. The complainant will be advised in this letter that if he/she wishes to take the complaint further he/she should notify the chair of governors within **fifteen working days** of receiving the letter detailing the outcome of the complaint.

**If the complaint is against the action of the headteacher, the Chair of Governors (or designated governor) should carry out all the Stage Two procedures.**

### Stage 3 - Review by Governing Body

Complaints only rarely reach this formal stage. It should be noted that Stages 1 & 2 must be completed before this stage is reached.

Formal complaints to the governing body should be made in writing to the chair of governors. The chair of governors will ask the clerk to the governing body to acknowledge the complaint and to make arrangements for a meeting of the Grievance Committee. Complaints which may lead to disciplinary action will be handled in accordance with the school's appropriate procedures.

The governing body will take care that no governor can be accused of prejudice by ensuring that:

- an individual governor does not deal with the complaint.
- The complaint is quickly referred to the Grievance Committee or to the headteacher, if complaint procedures at that level have not been exhausted;
- The complaint is not reported to the whole governing body until it is resolved, and then not in detail.

The governing body should ensure that all parties to the complaint are given a fair hearing – as outlined in Appendix A.

The decision of the committee should be given in writing to the complainant and any person against whom the complaint is made within **five working days** of the committee's meeting.

The letter should also advise the complainant that if they are dissatisfied with the outcome of the procedure they may write to the Chief Schools Officer who will carry out a further review. This further review will, however, only consider whether the complaint has been fully and fairly considered according to the school's complaints procedures; it will not rehear the substantive complaint.

#### Stage 4 - Review by County Council

If the complainant is dissatisfied with the outcome of the school's complaints process, they may write to the Chief Schools Officer. The Chief Schools Officer will designate an appropriate officer to carry out a review of the procedures which have been followed in order to confirm that the complaint has been fully and fairly considered.

#### Stage 5 – Review by National Assembly for Wales

Similarly, the complainant may approach the National Assembly for Wales for a review of the process undertaken.



## **Habitual or vexatious complaints**

### **Introduction**

This addition to the school complaints policy applies to all complainants, and identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.

In this policy 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 that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests cause disproportionate and repeated efforts on behalf of the school staff and governors by pursuing an unreasonable course of conduct.

The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004, and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Habitual and/or vexatious complaints can be a problem for school staff and governors. The difficulty in handling such complaints can place a strain on already limited time and resources. Whilst the school endeavours to respond with patience, empathy and sympathy to the needs of the complainants there are times when there is truly nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

### **Scope of Policy**

This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the schools complaints procedures. However it is not necessary for a complaint to have become a level 3 complaint before this policy can be invoked. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

The policy should only be invoked following careful consideration of all the issues by the Headteacher, the Chair of Governors and one other Governor member after an attempt has been made to reason with the complainant and it has been explained to them what it will mean if the habitual and vexatious policy is invoked. Authorisation to invoke the policy must be made in consultation with and on the advice of a panel of 3 governors. In an emergency the Chairman of Governors or if unavailable the Vice Chair of Governors may give authorisation pending ratification by the panel of 3 governors. The decision to invoke the policy must be reported to the full governing body.

No individual may undertake a role in authorisation in this procedure if he/she has had an involvement with the complaint.

### **Definition of Habitual or Vexatious Complainant**

Each case will be viewed individually and decided on its merits. 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 or all of the following criteria, dependent upon degree.

Where complainants:

- persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided)
- change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon 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 as separate complaints**
- are unwilling to accept documented evidence of action
- are unwilling to accept that the Governing body has reached a final decision on a chosen course of action
- deny receiving an adequate response in spite of correspondence specifically answering their questions
- persist in pursuing a matter when they have already exhausted other statutory routes
- do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns
- continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing body to investigate
- focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgements must be used in applying this criteria
- have in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case
- have threatened or used physical violence towards staff at any time. This will in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. Any complainant who threatens or uses actual physical violence towards staff will be regarded as a vexatious complainant and will be referred to the relevant authority. This will also inform the complainant of the action to be taken with regard to any further communication received
- have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour
- are known to have recorded meetings or telephone conversations or circulated such records to third parties without the prior knowledge and consent of other parties involved
- make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice

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

Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officers (Headteacher and Chair of Governors or if unavailable the Vice Chair of Governors plus one other Governor member) will determine what action to take. The Clerk will implement such action and will notify complainants, 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.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. LA officers, staff, Members of Parliament. A record must be kept,

for future reference, of the reasons why a complainant has been classified as habitual or vexatious.

It may be decided to deal with complainants in one or more of the following ways:

- Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.
- To restrict contact to liaison through a designated member of staff.
- Notify the complainant in writing that the Governing body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.
- Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing body shall not, without the consent of the LA, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

### **Review Decisions and Withdrawing ‘Habitual or Vexatious’ Status**

Once a complainant has been determined, as habitual or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

A panel of 3 governors should review their decisions to categorise a complainant as habitual or vexatious every six months.

The panel on review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person. If the panel considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school’s complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.

- Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

### **Monitoring Arrangements**

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

### **General**

Nothing in this policy affects an individual’s statutory rights.

## APPENDIX A

The following procedure should be followed upon receipt of a written request from the complainant for the complaint to proceed to Stage Three.

1. The Clerk to the governing body should write acknowledging receipt of the written request and informing the complainant that it will be heard by a committee of the governing body within **fifteen working days** of receipt. The letter should also inform the complainant that they have the right to submit any further documents relevant to their complaint and that these must be received in order for the committee members to be sent copies at least **five working days** prior to the meeting.
2. The clerk to the governing body should convene a meeting of the complaints committee. In establishing the committee the governing body should nominate a pool of five governors from which three can be drawn for any hearing. This will ensure that there are always sufficient governors with no conflict of interest to constitute the committee when required. The committee should elect its chair.
3. The committee members should have had no prior involvement with the complaint. Generally, it would not be appropriate for the headteacher to have a place on the committee. Governing bodies should have regard to the advantages of having a mix of different type of governor on the committee and be sensitive to issues of equal opportunity in the composition of the committee.
4. All relevant correspondence and documentation should be given to each committee member. The chairperson of the committee should ensure that the complainant, headteacher and any other witnesses are given **five working days** notice in writing of:
  - a. The time and place of the committee meeting, and
  - b. The ground of the complaint together with copies of all documents relied upon by either the complainant or headteacher, and
  - c. The right of both parties to be accompanied or represented by a person of their choice, and
  - d. The committee's option to proceed in the absence of the complainant/headteacher or their representative if no good reason is given why they should not do so.
5. The chairperson of the committee should ensure that the meeting is properly minuted.
6. The aim of the meeting is to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action which will satisfy the complainant that their complaint has been taken seriously.
7. The chairperson of the committee should try to ensure that the proceedings are as informal as possible and that the complainant feels at ease.
8. The committee will conduct the meeting having regard to the following principal steps. It shall be a rule that the committee shall not see one party in the absence of the other except

in a case where the committee has resolved to proceed in the absence of the complainant/headteacher in circumstances outlined in paragraph 4.(d) above:

- a. The complainant/representative will open by outlining the complaint and present any documentary evidence and/or call witness(es) as appropriate.
  - b. The headteacher/representative may ask questions of the complainant/representative or of any witness called by him/her. (N.B. This opportunity is reserved for asking questions to clarify matters not for making statements).
  - c. Members of the committee may ask questions similarly.
  - d. The headteacher/representative will respond to the complaint, present the documentary evidence and/or call witness(es).
  - e. The complainant/representative may ask questions of the headteacher/representative or of any witness called by him/her. (N.B. This opportunity is reserved for asking questions to clarify matters not for making statements).
  - f. Members of the committee may ask questions similarly.
  - g. Both parties or their respective representative shall be given the opportunity to sum up if they wish, the complainant/representative going last. Neither may introduce any new matter or issue which has not been raised before in the proceedings.
9. At the conclusion of the meeting, the chairperson of the committee should explain that the committee will consider its decision and write to both parties with the outcome within **five working days**.
10. The headteacher and any witnesses should then withdraw and the committee should consider its decision. This should include:
- a. A decision on the complaint
  - b. Appropriate action to be taken by the school, and where appropriate.
  - c. Recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
11. The school should ensure that a copy of all correspondence and notes is kept on file in the school. This should be held separately from pupils' personal records.

## APPENDIX B

### Stages for handling complaints

