

**Mayesbrook Park School**

Alternative Provision for young people in Barking and Dagenham

# SCHOOL COMPLAINTS PROCEDURE

November 2016

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Version 2	17/11/2016	Update with LBBD

## Mayesbrook Park School Complaints Procedure

### Rationale

An effective complaints procedure is essential to promote positive and productive relationships between the student, home and school.

As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the management committee are a useful tool in evaluating a school's performance and feed into its self-evaluation process.

The school recognises there is a difference between a concern and a complaint. We will take informal concerns seriously at an early stage to reduce the numbers that develop into formal complaints. Concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine our efforts to resolve the concern informally. Staff will be supported by the line management structure and receive training to help resolve issues on the spot, including apologising where necessary.

### Named Persons Responsible

**Caroline Kenny School Business Manager** has been nominated as the senior member of staff with responsibility for the operation and management of the school complaints procedure and will be referred to as the 'complaints co-ordinator'

### Aims of the Complaints Procedure:

- To encourage resolution of problems by **informal** means wherever possible;
- To be easily **accessible** and **publicised**;
- To be **simple** to understand and use;
- To be **impartial**;
- To be **non-adversarial**;
- To allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;

- To ensure a full and **fair** investigation by an independent person where necessary;
- To respect people's desire for **confidentiality**;
- To address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- To provide **information** to the school's senior management team so that services can be improved.

## **How we will Investigate Complaints**

Complaints will be dealt with in up to four stages summarised below.

An unsatisfied complainant can always take a complaint to the next stage. Some procedures may allow for an additional stage if the LA, or other external agency provides an independent appeal or review.

The school complaints procedure does not suggest that a complaint can only be escalated to the next stage if the school permits it.

### **Stage one**

Complaint heard by staff member or, if the subject of the complaint is the member of staff, the line manager. Hopefully it will be resolved, if not the complaint moves to stage 2.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff will be made aware of the procedures and receive training so that they know what to do when they receive a complaint.

The school will respect the views of the complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Head of Service, the complaints co-ordinator will refer the complainant to the chair of governors. Where the complaint concerns the Head of Centres, the complaint will be referred to the Head of Service.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to

another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

**Stage two (formal)**

Complaint heard and investigated by the complaints co-ordinator or a nominee of the Heads of the relevant Campus. It may be that the Executive Head will be involved as appropriate. If the complaint is not resolved the procedure moves to stage 3.

**Stage 3 (formal):**

Complaint heard by Chair of Governors or nominated person

If the complainant is not satisfied with the response of the Executive Head or the complaint is about the Executive Head, the complainant should write to the Chair of Governors to request that their complaint is considered further.

**Stage 4 (formal):**

Complaint heard by Management Committee nominated Complaints Appeal Panel

The complainant usually needs to write to the Clerk to the Management Committee giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole management committee at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The management committee may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

drawing up its procedures; hearing individual appeals; making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair

### The remit of The Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- 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.

There are several points which any governor sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so.

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to 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.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an

issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The panel or group of governors considering complaints will be clerked. The clerk will be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

### **The Role of the Nominated Governors**

The nominated governor role or the nominated governor:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

## **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Notification of the Panel's Decision**

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 5 working days of the panel's meeting. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. This may be the LA or directly to the Local Government Ombudsman (LGO).

The LGO will exercise discretion in deciding whether or not to pursue a complaint and, as a general rule will:

- Refer a complaint back to a Governing Body ( in this case Management Committee) if it has not been afforded a reasonable opportunity to consider it;
- Not investigate complaints which are clearly vexatious or have no merit;
- Not investigate complaints about matters that occurred more than 12 months ago.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD

### **What will the Department for Education do?**

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

### **During all stages**

The person investigating the complaint (normally the complaints co-ordinator) will make sure that they have set up an interview within 5 working days of receiving the complaint in order to:

- 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 detailed, accurate and agreed notes of the interview and the above and provide a copy for the Executive Head (and complaints co-ordinator who will keep and maintain a file of all complaints).

## **Resolving Complaints**

At each stage in the procedure the school will keep in mind ways in which a complaint can be resolved. If there is substance to the complaint, in most cases it will be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, we will decide to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

We will encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

At all stages of the procedure we will identify areas of agreement between the parties. We will seek to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

We seek to resolve all complaints within 5 working days of the initial interview.

## **Vexatious Complaints**

By following the above procedures we aim to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB will consider the case and if appropriate inform them in writing that the procedure has been exhausted and that the matter is now closed. A complaint would be deemed closed after 15 days of issue of the notice of the final decision.

This does not preclude a complaint being escalated to the Local government Ombudsman service or Secretary of State will make an independent judgement about each case.

## **POLICY FOR HANDLING UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS**

The Executive Head, Heads of Campus, and the management committee 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 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. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour.

The aim of this document is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

**What do we mean by 'an unreasonably persistent complainant'?** An unreasonably persistent 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.

### **Unreasonable behaviour may include:**

actions which are

- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious and/or

an insistence on

- pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints and/or

an insistence on

- pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
- making complaints in public; or
- refusing to attend appointments to discuss the complaint.

### **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, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes on going distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community, interfering with the daily business of the education of students.

### **What can you expect from the school?**

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

keep in touch regularly in writing over;

- how and when problems can be raised with the school.
- details of the school's complaints procedure
- details of the school's Unreasonably Persistent Complaints/Harassment Policy.
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of students;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school's complaints procedure and
- advice from the London Borough of Barking and Dagenham

This document forms part of the school's complaints procedure.

### **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 of students and staff within the school;
- avoid the use of 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.

**Schools' responses to unreasonably persistent 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.

However, in cases of unreasonably persistent complaints or harassment, the school may take 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 second 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.

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

### **Physical or verbal aggression**

The school will not tolerate **any** form of physical or verbal aggression against school staff. If staff are subject to this type of aggression the school may:

- ban the individual from entering the school premises and grounds, with immediate effect;
- request police intervention
- prosecute under Anti-Harassment legislation.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

### Cut-off limits

It is reasonable that a complaint should be made as soon as possible. The cut-off limit is 3 months for any complaint. We recognise that there could be exceptions to this time limit and would consider reasonable reasons for reconsideration. Consideration would be given regarding the above guidance of complaints that could be malicious or vexatious.

Complaints that have not been upheld and have been through the four stages of the procedure will not be re-visited unless there are exceptional circumstances and are not considered malicious or vexatious.

### Time-Limits

We seek to consider and resolve complaints, as quickly and efficiently as possible. In order for the complaints procedure to be effective, we have set realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### Summary and Timescales

Stage	Recommended maximum timescale for response
Stage 1 (informal) – Complaint heard by member of staff or manager	5 working days from receipt of complaint ☐ Ensure complaints co-ordinator informed of outcome
Stage 2 (formal) - Complaint heard by head teacher or complaints coordinator	10 working days from receipt of complaint Acknowledge receipt of complaint <ul style="list-style-type: none"> <li>• Write to complainant with outcome of investigation</li> <li>• Ensure complaints co-ordinator informed of outcome                             <ul style="list-style-type: none"> <li>• Offer escalation to Stage 3 if dissatisfied</li> </ul> </li> </ul>
Stage 3 (formal) – Complaint heard by Chair of Governors or nominated person	20 working days from receipt of complaint <ul style="list-style-type: none"> <li>• Acknowledge receipt of complaint</li> <li>• Write to complainant with outcome of investigation</li> <li>• Ensure complaints co-ordinator informed of outcome</li> <li>• Offer escalation to Stage 4 if dissatisfied</li> </ul>

<p>Stage 4 (formal) – Governor’s complaints panel</p>	<p>15 working days from receipt of complaint</p> <ul style="list-style-type: none"> <li>• Issue letter inviting complainant to meeting □ Issue letter confirming panel decision.</li> <li>• The complaint will be deemed closed after 15 days of the dispatch of the letter confirming the outcome.</li> <li>• Ensure complaints co-ordinator informed of outcome</li> <li>• Advise of escalation routes to the Secretary of State for Education, Local Authority (LA) or LG Ombudsman</li> </ul>
<p>Additional</p>	<p>It is reasonable to expect that a complaint should be made as soon as possible. The cut-off limit is 3 months for any complaint (exceptions apply see policy above).</p>

### **Recording Complaints**

The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. A pro-forma will be used to record complaints (Draft found in Annex B). At the end of a meeting or telephone call, the person hearing the complaint will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

The complaints co-ordinators will be responsible for the records and hold them centrally.

### **Management Committee Review**

The management committee will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB will not name individuals.

### **Publicising the Procedure**

There is a legal requirement for the Complaints Procedures to be publicised. The management committee will publish this policy on the school website and provide it in hard copy on request.

## Annex A

### Checklist for Management Committee Hearing

The panel will take the following points into account:

The hearing is as informal as possible.

Witnesses are only required to attend for the part of the hearing in which they give their evidence.

After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.

The Head may question both the complainant and the witnesses after each has spoken.

The Head is then invited to explain the school's actions and be followed by the school's witnesses.

The complainant may question both the Head and the witnesses after each has spoken.

The panel may ask questions at any point.

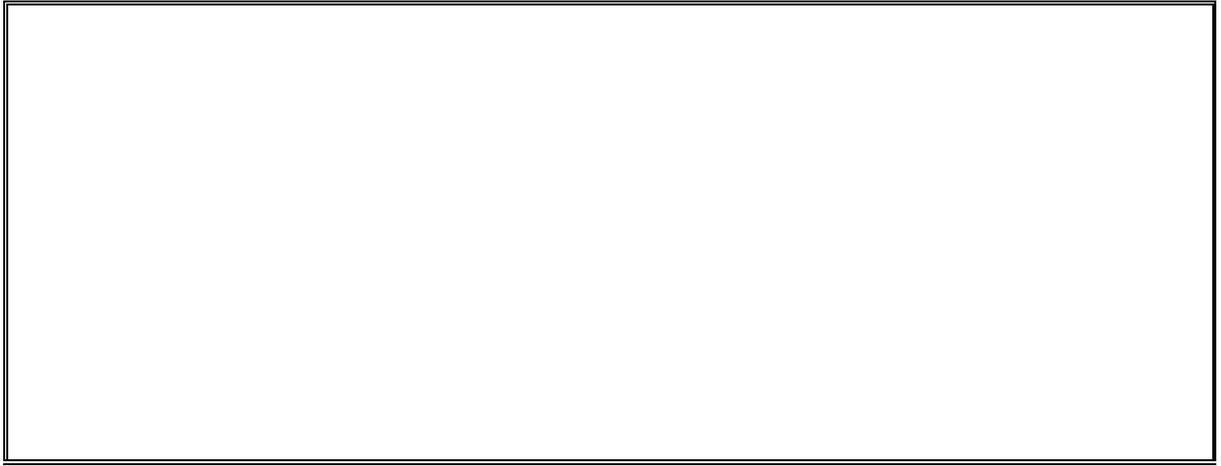
The complainant is then invited to sum up their complaint.

The Head is then invited to sum up the school's actions and response to the complaint.

Both parties leave together while the panel decides on the issues.

The chair explains that both parties will hear from the panel within a set time scale.





**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## Further information

### Useful resources and external organisations

- National Governors Association
- Other relevant departmental advice and statutory guidance
- Section 29 of the Education Act 2002
- Governors Handbook
- Other departmental resources
- How to complain about a school - Advice for complainants