

“ We Care.....”



Hamstel Infant School and Nursery

Complaints Policy

Policy Document Details

Policy written	May 2016
Date authorised	12th November 2019
By LGB	
Person responsible	Lisa Clark
Policy review	Bi-Annual
Next review date	Autumn 2021
Budget allocation	N/a

Headteacher: _____

Date: _____

Chair of Governors: _____

Date: _____

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

This policy complies with our EFSA funding agreement and articles of association.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions

- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs Co-Ordinator (SENCO); they will then be referred to this complaints policy. Our SEND policy and Information Report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of Early Years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

5. Stages of complaint (not complaints against the Headteacher or a Governor)

Stage 1: Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 5 days, and investigate and provide a response within 10 days.

The informal stage will involve a meeting between the complainant and generally the Headteacher and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Formal

The formal stage involves the complainant putting the complaint into writing, usually to the Headteacher and/or the subject of the complaint. This letter should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 30 days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Chair of Governors in writing within 10 days.

Stage 3: Review Panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Headteacher.

The school will inform those involved of the decision in writing within 30 days.

6. Complaints against the Headteacher or a Governor

Complaints made against the Headteacher should be directed to the Chair of Governors. If you are dissatisfied with the Headteacher's response, or your complaint concerns the conduct of the Headteacher, then you can make a formal complaint to the Chair of Governors. Your complaint should be made in writing to the Chair of Governors, care of the school, within 10 school days of the date of the Headteacher's response to you. Please provide a copy of the written complaint, a copy of the Headteacher's letter concluding Stage 2 and give details in writing of why you are not satisfied with the outcome.

At this stage the Chair of Governors will generally handle the complaint but can delegate this to a nominated Governor. In exceptional circumstances, the Chair of Governors may commission an independent investigator to undertake an investigation on behalf of the school.

You will receive an acknowledgment of receipt of your complaint within five school days and an indicative timescale for response.

The Governor will investigate the complaint and make every effort to resolve the issue. They may meet with you if they need clarification or further information is necessary.

On conclusion of the investigation you will receive a written response of the outcome reached and the process for appeal.

Where a complaint is against the Chair of Governors or any member of the Governing Board, it should be made in writing to the Clerk to the Governing Board in the first instance.

The Clerk will acknowledge receipt of your complaint within 5 school days. The letter will explain the process that will be followed and the expected timescale for response.

The Chair of Governors will consider complaints about an individual Governor and the Vice Chair will consider complaints against the Chair. If for any reason this is not appropriate then another Governor will be nominated.

On conclusion of the investigation you will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual Governor.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint.

However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Unreasonably persistent complaints

Please see Appendix 2

9. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for 6 years.

10. Learning lessons

The Governing Board will review any underlying issues raised by complaints with the Headteacher / Senior Leadership Team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Board will be informed of the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the Headteacher every 2 years or sooner if there are changes in guidance.

At each review, the policy will be approved by the full Governing Board.

12. Links with other policies

Policies dealing with other forms of complaints include:

- Safeguarding Policy and Procedures incorporating Child Protection Policy
- Admissions Policy
- Exclusions Policy
- Staff Grievance Procedures
- Staff Disciplinary Procedures
- SEND Policy and Information Report

Complaints not in scope of the procedure

The complaints procedure cover all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools 	Concerns should be raised direct with Southend Local Authority (LA). For school admissions, the admissions authority is the Local Authority.
<ul style="list-style-type: none"> • Statutory assessments (EHCP's) of Special Educational Needs or Disabilities (SEND) 	SENCO / Headteacher
<ul style="list-style-type: none"> • School re-organisation proposals 	Headteacher
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	Designated Safeguarding Lead (Headteacher) / Deputy DSL's (Assistant head for Inclusion / Manager for Pupil Well-Being)
<ul style="list-style-type: none"> • Exclusion of children from school 	Further information about raising concerns about exclusion can be found at: https://www.gov.uk/school-discipline-exclusions/exclusions
<ul style="list-style-type: none"> • Whistleblowing 	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Policy for Dealing with Abusive, Persistent or Vexatious Complaints

1. Introduction Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the school. This can happen either while their complaint is being investigated, or once the school has finished dealing with the complaint.

We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner. We will not normally limit the contact which complainants have with the school. We do not expect staff to tolerate unacceptable behaviour by complainants.

Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Any form of intimidating or threatening behaviour
- Sending multiple emails
- Leaving multiple voicemails

We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy. Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

2. Aim of this policy The aim of this policy is to contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable. It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff and parents / carers.

3. Definitions We have adopted the Local Government Ombudsman's (LGO) definition of ***“unreasonable complainant behaviour”*** and ***“unreasonable persistent complaints”***. We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the school, hinder our consideration of their or other people's complaints. The description “unreasonably persistent” and “vexatious” may apply separately or jointly to a particular complaint. Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint. Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):

An unreasonably persistent and/or vexatious complaint may be one where:

- there are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
- there are no specified grounds for the complaint despite offers of assistance
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- the complaint is about issues not within the power of the school to investigate, change or influence (examples could be a complaint about car parking, or something that is the responsibility of another organisation) and where the complainant refuses to accept this

- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the CEO)
- there appears to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced
- there is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- there are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
- subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- the complainant denies statements he or she made at an earlier stage in the complaint process
- the complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved
- the complaint is the subject of an excessively “scattergun” approach; for instance the complaint is not only submitted to the Trust, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, Ofsted, the police, solicitors, and/or the Local Government Ombudsman
- the complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- the same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- the complaint remains “active” through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- documented evidence is not accepted as factual by the complainant
- the complaint relates to an issue based on a historic and irreversible decision or incident
- the complaint combines some or all of these features

4. Imposing restrictions We will ensure that the complaint is being, or has been, investigated properly according to the complaints procedure. In the first instance the manager investigating the complaint will consult with their direct line manager or other relevant including CEO prior to issuing a warning to the complainant. The manager will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The manager will explain the actions that the Trust may take if the behaviour does not change.

If the disruptive behaviour continues, the CEO will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the council in future will be restricted. The CEO will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter. The CEO can consult with the Chair of Trustees or a member of a legal team if they so wish. Any restriction that is imposed on the complainant's contact with the Trust will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most

cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party eg solicitor/friend acting on their behalf
- Banning the complainant from sending emails to individual and/or all colleagues and insisting they only correspond by letter
- Banning the complainant from accessing any Trust building except by appointment
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that the Trust will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)
- Informing the complainant that any further complaints from him or her will only be considered if the CEO agrees that it warrants investigation

When the decision has been taken to apply this policy to a complainant, the CEO will contact the complainant in writing to explain:

- why the Trust has taken the decision,
- what action the Trust is taking,
- the duration of that action,
- the review process of this policy, and
- the right of the complainant to contact the Local Government Ombudsman about the fact that their complaint has been treated as a vexatious/persistent.

The CEO will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the CEO may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the Trust will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the council may not give the complainant prior warning of that action.

5. New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent

New complaints from people who have come under this policy will be treated on their merits. The CEO will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The council does not support a "blanket policy" of ignoring genuine service requests or complaints where they are founded.

The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Trust.

6 Record keeping

Adequate records will be retained by the appropriate manager of the details of the case and the action that has been taken. In addition a central record will be maintained by the school setting out:

The name and address of each person who is treated as abusive, vexatious or persistent

When the restriction comes into force and ends

What the restrictions are

When the Trust were advised.

Complaint Form for Hamstel Infant School and Nursery	
Complainant's Name:	
Pupil's Name:	
Complainant's Relationship to pupil:	
Address of Complainant:	
Post Code:	Daytime Tel:
Mobile:	E-mail:
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to, when and what was the response?):	

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

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

Signed:

Date: