



**Robert  
Bakewell**  
Primary School



# COMPLAINTS POLICY

Title: Complaints Policy  
Agreed at FGB: Spring 2019  
Review Date: Spring 2022

## **Complaints Policy**

### **Introduction**

Inevitably there will be occasions when parents are worried or concerned about issues arising from their child's experiences whilst in the care of Robert Bakewell School. The majority of these issues are more correctly identified as concerns rather than complaints. Robert Bakewell Primary School is committed to taking such concerns seriously at the earliest stage and resolving them to the satisfaction of all parties as quickly as possible. However, on the rare occasions when a concern cannot be resolved, we have a formal complaints procedure which is outlined below.

The prime aim of Robert Bakewell Primary School's policy is to resolve any complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Vexatious/malicious complaints will incur appropriate action by the school – please refer to our **Vexatious Complaints Policy** (below) for further guidance in this regard. This policy meets the standards of The Education (Independent School Standards (England)) Regulations 2014.

### **Time Limit**

For the school to be able to investigate a complaint, the initial concern needs to be voiced within 3 months of the occurrence of the alleged incident to which it relates. If a concern/complaint relates to an incident older than this it will not be investigated or discussed further, other than in exceptional circumstances which would be entirely at the discretion of the head teacher.

**The Robert Bakewell Primary School Complaints Policy has four main stages, summarised below:**

#### **Stage 1 – Informal Concern Raised**

Concerns may 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 their child's class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case they will receive an informal but considered response within 5 working days. The vast majority of concerns will be satisfactorily dealt with in this way. However, if the complainant is not satisfied with this response, they should write to or call the school within 10 school working days and tell us, giving the reasons for their continued concerns. The issue will then be escalated to Stage 2.

#### **Stage 2 – Informal Meeting with the Head or Deputy Head Teacher**

If the complainant is not satisfied that their concern has been resolved by speaking with the class teacher, they will be given a copy of the complaints policy and invited to make an appointment to speak to the Head or Deputy Head Teacher to discuss it

further. They should contact the school office to make an appointment. This meeting will take place as soon as possible, but at the latest within 10 school working days of the request. They may put their concern in writing at this stage if they wish to. The aim will be to resolve the matter to their satisfaction and as speedily as possible. The Head or Deputy Head Teacher may need to arrange for further investigation, but following this they will report back within 10 school working days on the action the school has taken to resolve the issue, or to arrange a meeting to discuss the matter further. If a meeting is suggested, the parent(s) is/are entitled to be accompanied by a friendly advocate or interpreter if they wish.

If they are still dissatisfied with the result at this stage, they should write to or call the school within 10 school working days of receiving our response. At this time in order to escalate the concern to Stage 3 they will need to put it in writing as a formal complaint. The form which must be used for this purpose is attached and this will need completing in full and returning to us within 15 school working days of contacting the school.

### **Stage 3 – Concern Heard Formally by the Head Teacher**

On receipt of the completed complaint form, the school office will contact the complainant to make an appointment with the Head Teacher. This meeting will take place as soon as possible, but within 10 school working days of the date of contact. The discussions held at this meeting will revolve around the information contained within the completed complaint form, and the aim will be (a) to identify and discuss the outstanding issues; (b) determine what the complainant considers is required to resolve the complaint to their satisfaction; (c) confirm what action can/will be taken by the school to achieve this. The complainant is entitled to be accompanied by an advocate or interpreter at this meeting if they wish. Please note that if deemed appropriate, we may also ask the class teacher involved to be present for some or all of this meeting.

Further investigation may be required but in most circumstances we will write to the complainant within 15 school working days detailing whether the complaint has been upheld, and if so, the action taken to prevent further recurrence. If the complaint is not upheld we will explain why this is.

If still dissatisfied with the result at Stage 3 the complainant should write to the school within 10 school working days of receiving our response, advising exactly why this is.

### **Stage 4 – Complaint heard by the Governing Body’s Complaints Appeals Panel**

If the matter has still not been resolved at Stage 3, then the complainant will need to write to the Chair of Governors (via the school office) within 10 school working days requesting a hearing by the complaints panel. The Chair will, via the Clerk to the Governors, convene a complaints panel. The hearing will normally take place within 20 school working days of the receipt of the written request.

The panel will comprise three members and in the interests of impartiality will include a governor from another school, with two further members selected from our own

board of governors who have had no prior involvement in the matter up to the point of convening the panel. A Chair will be selected by mutual agreement of the panel members. All governors with the exception of staff governors may legitimately serve on this panel. The Clerk to the Governors will also attend the meeting to take minutes and advise on matters of due process. The complainant may also be accompanied by an advocate or interpreter at this meeting if they wish.

The aim of the Appeal Panel hearing is to resolve the complaint impartially and to achieve reconciliation between the school and the complainant. To this end the following options are available to them, they may:-

- 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.

A copy of the findings and recommendations will be provided to the complainant, and where relevant, the person complained about within twenty school working days of the date of the hearing. A copy of the findings will also be available for inspection on the school premises by the proprietor and the head teacher. The findings will also advise what the complainant needs to do if they wish to take the matter further.

### **Further Criteria Applying to this Policy**

1. This policy is available for use by any appropriate stakeholder, not just parents/carers.
2. Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary
3. If the complaint relates to the conduct of the Head Teacher, then Stage 1 should be discussed with the Head Teacher, and if the issue escalates to Stage 2 and/or 3, these stages will be heard by the Chair of Governors.
4. At Stage 4, any and all evidence of any sort relating to the complaint must be submitted by the complainant with their written request for the matter to be heard. In this instance, the school must reciprocate and supply copies of all their evidence to the complainant such that they are in receipt of this at least 5 school working days before the meeting date. Under no circumstances will any 'new' evidence be allowed to be submitted at the meeting which has not been seen by both parties to the complaint prior to the event. This evidence will be gathered up by the Clerk to the Governors and distributed to all parties to the complaint prior to the meeting.
5. At stage 4, should the panel need to take independent (eg. legal) external advice on conclusion of the hearing, this would clearly mean that the deadline for notification of the final decision would need to be extended to accommodate the extra time required to achieve this.

## **Further Action**

If no resolution is achieved at Stage 4, no further school-based solutions are available. Complainants dissatisfied with the handling of their complaints may contact the Education Funding Agency (EFA), using the appropriate complaint form which can be found on their website. Please note that their remit can only be to check whether the complaint has been dealt with properly by the Academy, within the following three areas:-

- Where there is undue delay or the Academy did not comply with its own complaints procedure when considering the complaint.
- Where the Academy is in breach of its funding agreement with the Secretary of State.
- Where the Academy has failed to comply with any other legal obligation.

They will not overturn a decision made by the Academy about a complaint but will request that it is looked at again if they find its conduct has fallen short in any of the above areas.

## Complaint Form for Robert Bakewell Primary School

<b>Complainant's name:</b>	
<b>Pupil's name:</b>	
<b>Complainant's relationship to pupil:</b>	
<b>Address of Complainant:</b>	
<b>Post Code:</b>	<b>Landline phone no:</b>
<b>E-mail address:</b>	<b>Mobile phone no:</b>
<b>Please give details of your complaint:</b>	
<b>Stage 1 – summary of discussion with Class Teacher:</b>	
<b>Stage 2 – Summary of discussion with Head/Deputy Head Teacher:</b>	
<b>Stage 3 – Please describe clearly the <u>specific</u> aspects of your complaint you feel we have still not addressed at Stages 1 &amp; 2:</b>	
<b>Please advise what actions you feel the school needs to take to resolve the complaint to your satisfaction:</b>	
<b>Please itemise below any paperwork you are attaching to substantiate your complaint:</b>	
<b>Signed:</b>	<b>Date:</b>



# Robert Bakewell Primary School Vexatious Complaints Policy

## Introduction

This policy should be read and applied alongside the school's **Complaints Policy** document and relates to the management of the very small number of unreasonable and unreasonably persistent complainants the school may encounter. The school does not have unlimited resources of staff time and the aim of this policy is to apply a reasonable limit the time staff commit to such complainants whilst ensuring the school still behaves in a reasonable manner towards them.

We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible, using the school's **Complaints Policy**. Sometimes however, complainants treat staff and others in a way that is unacceptable and/or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour. The aim of this policy is to clarify the process for dealing with unreasonable complainants who act inappropriately.

## What do we mean by an 'unreasonable complainant'?

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint, those who pursue complaints in an unreasonable manner and those who do not act appropriately towards staff at the school.

Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint
- Persistently pursuing complaints even when the complaints procedure has been exhausted
- Personal harassment of individual members of staff
- Unjustifiably repetitious complaints which are clearly almost identical to one already dealt with
- Any actions whereby the complainant, does not follow the school **Complaints Policy** when presenting a valid complaint
- Presentation of complaints where the complainant has no view about what would satisfy them and/or shows no real intention to resolve the complaint.
- Making vexatious and/or unreasonable requests for information purportedly but not actually relating to an ongoing complaint.
- An insistence on pursuing unjustified or unrealistic outcomes for complaints
- Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language or behaviour
- Pursuing complaints in a manner which causes ongoing distress to school staff or others
- That which has a significant and disproportionately adverse effect on the school community
- Aggressively pursuing complaints in any manner not appropriate to an effective resolution
- Deliberately targeting one or more members of school staff over a significant period of time

## **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 to seek a resolution.

**A complainant will be considered to be acting unreasonably under the terms of this policy if their behaviour demonstrates one or more of the above traits.**

## **Action to be taken against an unreasonable complainant**

The Head Teacher will, in the first instance determine that a complainant is behaving unreasonably. The only exception to this is if matters revolve around a complaint originally made in which the Head Teacher was personally and significantly involved. In this case the Chair of Governors will make this decision. The complainant will, at this stage, be advised in writing of the views of the school and the action being taken next.

They will then bring the matter to a governors' appeals panel comprising three members. Any non-staff governors may sit on this panel but if matters revolve around an original complaint reviewed by a panel in accordance with the complaints policy, it may not include any governors who sat on that panel. The panel will hear the substance of the Head Teacher's (or Chair's) concerns. The panel may make one of the following judgements:-

- That the Head Teacher/Chair is incorrect in their view and the complainant has not been acting unreasonably.
- That the views of the Head Teacher/Chair are upheld and that the complainant has been acting unreasonably.

In all cases the complainant will be invited into the school to be advised of the outcome of the panel's review. If they have been judged to be acting reasonably they will be advised they may continue to put their complaint to the school, ensuring that they stay within the boundaries of the complaints policy and that in so doing they do not exhibit any of the characteristics which would define them as an unreasonable complainant.

If judged to be acting unreasonably they will be told to desist immediately from presenting the complaint(s) to the school and that the matter is considered to be closed. They will be told that the staff will not be prepared to discuss the matters any further, with telephone calls or visits in person terminated without delay, and that any written submissions will receive no reply.

They will also be told that should they persist, legal action may be taken against them if it is felt that harassment, threatening or abusive behaviour has been or is being exhibited, which could result in the Courts applying penalties such as restraining orders, injunctions or ASBOs under the terms of the Public Order Act.

The complainants will be given a written copy of the decision and any such sanctions will remain in place indefinitely in respect of the issues documented.



**NB:** It must be ensured that complainants previously considered to have submitted unreasonable complaints are not precluded from having subsequent valid complaints dealt with correctly under the Complaints Policy if appropriate, and that the previous events do not have any bearing on the outcome of the new complaint(s) being considered.

**Monitoring and review**

Policy written Spring 2019 and is monitored by the Governing Body and will be reviewed in 3 years or earlier if necessary.

**Agreed & adopted by The Governing Body of Robert Bakewell Primary School**

**Signed**.....

**Date** .....

*Chair of Governors*