



# The Norwood School Complaints Policy & Procedures.

December 2019

1. Introduction	3
2. Policy	3
2.1 Aim	
2.2 Purpose	
2.2.1 <i>The Education Act 2002</i>	
2.2.2 <i>Publicising the Procedure</i>	
3. Scope	4
3.1 General Principles	
3.2 Definition of and difference between a concern & complaint	
3.2.1 <i>Anonymous complaints</i>	5
3.2.2 <i>Vexatious complaints</i>	5
3.3 Managing and recording complaints	5
3.3.1 <i>Recording complaints</i>	5
3.3.2 <i>Governing Body Review</i>	
4. Procedure	6
4.1 Stage 1 – Informal Stage	7
4.2 Stage 2 – Formal Stage	7
<i>Complaints dealt with by the Headteacher</i>	7
4.3 Stage 3 – Formal Stage	
<i>Complaints referred to the Chair of Governors and Governing Body</i>	
<i>Complaints concerning Headteacher/Governor – referred to the chair</i>	
4.3.1 <i>Review Process</i>	
<i>Part 1</i>	7
<i>Part 2</i>	8
<i>Further Stages</i>	8
Appendix 1 Complaints Procedure Formal Record Form	9
Appendix 2 Serial and Persistent Complaints	16

# The Norwood School Complaints Policy & Procedures

## Introduction

Since 1<sup>st</sup> September 2003, Governing Bodies of all maintained schools in England are required under Section 29 of The Education Act 2002, to have a procedure in place to deal with all complaints relating to the school and any community facilities or areas that the school provides. The law also requires the procedure to be published.

## 2. Policy

### 2:1 Aim

The school Governors and the Headteacher are committed to providing the best educational experience they can for all pupils attending this school. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

### 2:2 Purpose

To establish a procedure for dealing with complaints relating to schools and community services as required by section 29(1) (a) of the Education Act 2002

#### 2.2.1 The Education Act 2002

Section 29 of the Education Act 2002 requires that:

1. The governing body of a maintained school (including a maintained nursery school) shall:
  - a. Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - b. Publicise the procedures so established.
2. In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

1. 'maintained school' means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school.
2. 'maintained nursery school' means a nursery school which is maintained by a local education authority and is not a special school

#### 2.2.2. Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. The Norwood School's Complaints Procedures is published on the website. Hard copies are also available on request from reception.

## 3. Scope

The Complaints Policy applies to all matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to:

- Admissions to schools
- Exclusions
- Special education provision
- School re-organisation
- Matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988
- Child protection
- Public examinations
- School records on individual pupils
- Safeguarding referrals
  - Schools have a duty to safeguard and promote the welfare of their pupils under section 75 of the education Act 2002. This includes making referrals to the appropriate organisation, usually the Local Authorities children's Social Care services if there is a concern about the welfare of a child.
- Allegations of abuse
  - Allegations of abuse against a member of staff will be dealt with under the School's Safeguarding and Disciplinary procedures.

### 3.1 General Principles.

The procedure is designed to ensure that wherever possible, an informal resolution is attempted. All stages of the complaints procedure should be investigatory rather than adversarial.

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any complaint which is raised more than 3 months after the event will not be considered except in exceptional circumstances.

All complaints will be treated as confidential. Only those individuals concerned with investigating the complaint will have access to the file. No information regarding the investigation will be made available publicly unless required by law.

### 3.2 Definition of a complaint

A complaint is a clear expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school (but not being employed by the school or on the governing body) about the standard of teaching, the conduct, actions, or lack of action, of members of the teaching or non teaching staff employed at the school and anybody else working under the direction of the Headteacher, which affects an individual or group. Complaints about persons outside of the school will initially be dealt with by the Headteacher as site manager and be referred to the appropriate authority.

## The difference between a concern and a complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Informal concerns will be taken seriously and every effort made to resolve the matter as quickly as possible.

There may be occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure shall be invoked through the stages outlined within the procedures.

### Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that Norwood School provides, unless separate statutory procedures apply (such as exclusions or admissions). Complaints are not limited to parents or carers of children that are registered at the school.

#### 3.2.1 Anonymous complaints

There is no duty for the Headteacher or Governors to pursue anonymous complaints because there is no named complainant to respond to. However, if such complaints allege or imply a serious matter that may be to the detriment of the school, then it will be at the Headteacher's discretion to consider whether a case needs further investigation or not. Further investigation may be carried out in exceptional circumstances such as child protection issues or bullying allegations, where the school would involve appropriate external agencies.

#### 3.2.2 Vexatious Complaints

There will be occasions when, on proper investigation a complaint is deemed to be unfounded, malicious or vexatious or when despite all stages of the procedure having been followed the complainant remains dissatisfied and wishes to reopen the same issue. In these circumstances the Chair of the Governing Body will inform the complainant in writing that the procedure has been exhausted and that the matter is closed.

### 3.3 Managing and Recording Complaints

#### 3.3.1 Recording Complaints

The progress of the complaint and the final outcome will be recorded. A complaint may be made in person, by telephone, or in writing (including email). An example of a complaint form can be found at Annex 1. At the end of a meeting or phone call, the member of staff should 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.

#### 3.3.2 Governing Body Review

The Governing Body 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 Governing Body will not name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement may be identified. When individual complaints are heard, underlying issues that need to be

addressed. The monitoring and review of complaints by the school and the Governing Body can be used to evaluate the school's performance.

## 4. Procedure

### 4.1 Stage 1 – Informal Stage

Complaints are best resolved by approaching the individual directly. A local resolution is generally much quicker and less formal.

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved during an informal meeting by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. If the complainant is reluctant to do this, then a conciliation meeting with the Headteacher or their nominee will be arranged within 15 working days.

Note. Where the complaint concerns the Headteacher or a Governor and cannot be satisfactorily resolved by the Headteacher/Governor, then a written complaint must be passed to the Chair of Governors to be dealt with as in Stage 3 below. In these cases the Chair of Governors is advised to seek advice from the Head of Schools Human Resources or his/her representative.

Where an incident has resulted in personal injury the Headteacher must inform the Chair of Governors and the Director, Education, Learning and Skills through the normal procedures with particular reference to the child protection procedures if applicable. Where a complaint involves injury to a child, either by a member of staff or another child, the Headteacher, when investigating, must be careful about taking statements which could undermine any investigation by the police or social services. It is advisable in these circumstances to be guided by the School's Human Resources Manager and the Safeguarding Manager.

### 4.2 Stage 2 – Formal Stage

#### Complaints dealt with by the Headteacher

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher. A complaints form should be completed at this stage (Appendix 1). The complaint should include details that might assist the investigation, such as names of potential witnesses, where they might be contacted, the subject of the complaint, his/her name and position (if known), what happened i.e. the incidents with an account confined to the facts, dates, time and location of the incident, copies of relevant documents and any other relevant information.

The Headteacher will ensure that a written acknowledgement is sent to the complainant within 3 working days of receiving the complaint and will give a target date for providing a response, which should normally be within 15 working days. If this target is not met a letter will be sent within the 15 working days explaining the reason for the delay and providing a revised target response date. A copy of the school's complaints procedure will be enclosed with the letter.

The person who is complained against will be informed and provided with the relevant details of the complaint so that he/she can answer the allegations and be made aware that an investigation is taking place. He/she will be invited to submit a written response; this should normally be within 7 working days.

The Headteacher will collect such other evidence, as he/she deems necessary. This may involve the Headteacher meeting with and interviewing the complainant, the subject of the complaint and any other witnesses to clarify the complaint, a work colleague or trade union representative may accompany that member of staff if they wish and that member of staff is entitled to 2 days notice of the interview.

The Headteacher should obtain witness statements from all witnesses to be interviewed.

The Headteacher may wish to seek the advice or assistance of the school's Human Resources Manager at this stage.

When the investigation has been concluded all parties will be informed in writing of the outcome. This will include an outline of the complaint, the main findings of the investigation and the decision reached and where appropriate, what action the school is proposing to take to resolve the complaint. The response should also inform the complainant that should they remain dissatisfied, they would have a right for their complaint to be reviewed by the Governing Body.

### **4.3 Stage 3 – Formal Stage**

#### **Complaints referred to the Chair of Governors and Governing Body.**

Where the complainant is dissatisfied with the outcome of the school's responses and wishes to pursue the complaint further, a written request stating this must be sent within 10 working days of receiving the response to the Chair of Governors for the complaint to be reviewed by the governing body.

Any such request must include a statement specifying any perceived failings in either procedure or decisions made. A request for a review that is based solely on dissatisfaction of the response/outcome decision will not normally be accepted.

An acknowledgement should be sent within 5 working days of receiving the request and should inform the complainant that a panel of three Governors (not including the Headteacher or school staff Governors) would be set up to review the complaint within 20 working days from the date of the acknowledgement.

The Chair of Governors will write and inform all appropriate parties of the date, time and place of the review meeting at least 5 working days in advance of it. Any relevant documentation relating to the complaint should also be issued to all parties at this time.

#### **Complaints concerning Headteacher/Governor – referred to the Chair**

Where the complaint concerns a Headteacher or a Governor (including the Chair of Governors) and has been directly addressed to the Chair of Governors, the matter should be referred to the Headteacher/Governor and a written response invited. The Chair or Headteacher will then respond to the complainant who if they are still dissatisfied can request that a panel of Governors review the complaint.

At this stage the complainant may also request that the Chair of Governors arranges a conciliation meeting with the Headteacher/Governor.

#### **4.3.1 Review Process**

The Review Process will be carried out by a panel of 3 members of the Governing Body and any supporting officers if deemed necessary. The panel will hear the complaint at a meeting attended **separately** by the complainant and the Headteacher. Written evidence is submitted in advance to all parties and verbal evidence will be given at the review meeting.

The meeting will be conducted in an informal manner with each party treating the other with respect and courtesy. The conduct of the meeting is as follows:

### Part 1

1. The complainant and any representatives will enter the room
2. The Chair of the panel will welcome the complainant, introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant and the Headteacher, as well as the names of any witnesses the complainant has indicated s/he wishes to call.
4. The panel will hear the complaint
5. The panel will have the opportunity of asking the complainant questions regarding the complaint
6. The complainant will call any witnesses
7. After the witness(es) have given their statements the panel may then ask any questions of the witness(es) regarding their statements
8. The complainant or their representative will then have the opportunity of summing up their complaint
9. The Chair of the panel will explain that the panel will consider the issues and a written decision will be sent in writing within 10 working days.
10. The complainant and any representative will then withdraw

### Part 2

1. The Headteacher and any representative will enter the room
2. The Chair of the panel will introduce the members of the panel, explain the process of the hearing and confirm the complaint that is to be heard.
3. The Chair of the panel will confirm that all parties have copies of the documentation submitted by the complainant(s) and the Headteacher, and the names of any witnesses that the Headteacher has indicated s/he wishes to call.
4. The Headteacher will respond to the complaint
5. The panel will then have the opportunity of asking the Headteacher any questions regarding her/his response.
6. The Headteacher will call any witnesses
7. After the witnesses have given their statements the panel may then ask any questions of the witness(es) regarding their statements
8. The Headteacher or his/her representative will then have the opportunity of summing up their response
9. The Chair of the panel will explain that the panel's conclusion will be sent, in writing, within 10 working days.
10. The Headteacher and her/his representative will then withdraw

The Complaints Panel will then consider the complaint and all the evidence presented and:

- a) Reach a decision on the complaint and the reasons for it
- b) Decide upon the appropriate action to be taken to resolve the complaint. (There may be instances where this involves recommending the use of the disciplinary or capability procedures)
- c) Where appropriate, suggest recommended changes to the school's systems or procedures to try to ensure that complaints of a similar nature are not made in the future and
- d) Provide a written response within 5 working days.

## Further Stages

Following the Governors' complaints hearing at stage three, it is open to the complainant to pursue their complaint with the Secretary of State for Education or the office of the Ombudsman. The governing body will give full consideration to any recommendations or directions the Secretary of State may make. The complainant will be advised of this course of action should they remain dissatisfied with a decision made by the Governors' committee.

## COMPLAINTS PROCEDURE FORMAL RECORD FORM

### The Norwood School – Complaint form

Please complete this form and return it to the Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your Name:

Relationship with school (e.g. parent of a pupil on the school's roll):

Pupil's name (if relevant to your complaint):

Your Address:

Daytime telephone number :

Evening telephone number:

Please give concise details of your complaint, (including dates names of witnesses etc) to allow the complaint to be fully investigated.

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached-

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

School use:

Date form received:

By:

Date acknowledgement sent:

By:

Complaint referred to:

Date:

Signature

Date:

**This section to be completed by the Headteacher/Governor investigating the complaint**

Name of investigating Headteacher/Governor

Date of meeting with the complaint:

Conclusions reached/decisions made/actions agreed following the meeting:

--

Date complainant notified of the outcome:
---

**This section to be completed by the review panel chair**

Date of Review meeting:
-------------------------

Name of Governor chairing the review panel:
---

Summary of basis for review of the complaint:
---

Outcome of review
-------------------

Date complainant notified of outcome of review:	
Further comments	
Form completed by:	
Signature:	Date:

Letter 1

Notification of decision regarding general parental complaint

PRIVATE & CONFIDENTIAL

Name & Address

Date

Dear

Following receipt of your complaint and after careful consideration of all the available relevant evidence, I have concluded that:

Either

There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith we will reconsider this decision.

OR

The concern is not substantiated by the evidence in that (*insert reason*)

OR

The concern was substantiated in part/in full, as (*insert reason*). The school will review its practices/procedures with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

In order to address fully the matters investigated, the school had initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Headteacher/Chair of Governing Body.

### Model Response to spurious complainant

Private & Confidential

Name & Address

Date

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the governing body's General Complaints Procedure as: (please select appropriate wording from the following:)

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this

Please do not hesitate to contact me should you have any queries regarding this matter.

Yours sincerely,

Headteacher

OR Chair of Governing Body.

## Serial and Persistent Complainants

At Norwood School we will do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, we will act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

**Note:** The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*..manifestly unjustified, inappropriate or improper use of a formal procedure*'. An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them. More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

The decision to stop responding will never be taken lightly. A decision will be made when the school needs to be able to say yes to all of the following:

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

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Where an individual's behaviour is causing a significant level of disruption, a tailored communications strategy will be implemented restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and any genuine new complaints will still be heard.

If Norwood staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they will approach the governor services team at their Lambeth to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response. Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps.

Once the school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

## Policy for Unreasonable Complainants

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

Norwood School defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

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

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

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Norwood School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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

### **Barring from the School Premises**

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

If a parent's behaviour is a cause for concern, s/he will be asked to leave the school premises. In serious cases, the headteacher or the local authority will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. In such instances the parent will be given the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once Norwood School's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.