

The Community College Whitstable

Complaints' Policy



**Reviewed and agreed by Governors at the Full Governing Body meeting held on
18th January 2017.**

GS

Mr G Saltmarsh, Chair of Governors

Date

AGI

Mrs A Gibson, Headteacher

Date

The policy will be reviewed every 3 years but will be amended before then if required.

Next review due: January 2020

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The Legal Framework

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.

The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the college or the provision of facilities or services, other than "complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision", and to publicise these procedures. While the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a "general" procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a "fair" procedure.

Raising concerns and resolving complaints

From time to time parents, and others connected with the college, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "College Complaints Procedure".

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the college office or from the Clerk to the Governing Body.

Informal procedure

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore the initial approach should normally be made to the college office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the college office. The request will need to include sufficient details to allow the college to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised.

Formal procedure

Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing. On receipt of the complaint, a decision will then be

taken about the need for further investigation and the appropriate procedure to be followed. This may involve meeting(s) with the complainant to obtain further information. The complainant will receive an acknowledgement letter/email within 3 working days of receipt of the complaint. When the college's procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the college is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

Statute requires every school to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for "general" complaints relating to the college or to the provision of facilities or services.

Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Local Authority: provision to meet special educational needs; failure of a school to provide the National Curriculum; Exclusion Appeals; Admission Appeals.

College Complaints Procedure

General Principles:

- This procedure is intended to allow you to raise a concern or complaint relating to the college, or the services that it provides.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the college as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

Raising a concern or complaint

1) Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by email, by telephone or in person by appointment, requested via the college office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

If you are uncertain about who to contact, please seek advice from the college office.

2) Formal Stage

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Headteacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Headteacher, your complaint should be passed to the clerk to the governing body, for the attention of the chair of the governing body.

A complaint form is provided to assist you (Appendix 1).

You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the college to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the college office. In the event that the Headteacher receives a written or verbal complaint this may be delegated for resolution to an appropriate senior member of staff. The envelope should be addressed to the Headteacher, or to the clerk to the governing body, as appropriate.

The Headteacher or Chair may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

If you are not invited to meet with the Headteacher, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. You will receive an acknowledgement communication within 3 working days of the college receiving your formal complaint, of how the college intends to proceed. This notification should include an indication of the anticipated timescale.

Where appropriate an investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the Chair of Governors reviews the process followed by the college, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Chair of Governors review request form is provided for your convenience (Appendix 2).

Review Process

The Chair of Governors will usually respond within 10 school days of receipt of review request. In the event the complainant is not satisfied with the Chair of Governors' response the complaint will be reviewed by a panel of three members of the governing body. This will usually take place within 10 school days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

Governing body meetings

Complaints panel

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the college, where this is necessary.

A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the college (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Headteacher and the governing body of the outcome, in writing.

Consideration of the complaint by the governing body and the college, save for any actions that are agreed, will terminate at this point.

If the complainant is not satisfied that the appropriate procedure has been followed they are advised to contact the Secretary of State for Education. More information is available at www.education.gov.uk/schoolcomplaints.

The Community College Whitstable's policy for handling persistent, vexatious, harassing or abusive complainants

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with this Complaints Policy.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns or other issues that treat staff and others in a way that is unacceptable. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school.

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint;
- support the well-being of children, staff and everyone else who has legitimate interest in the work of the school, including governors and parents;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

Who is a persistent complainant?

A persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive email or telephone contact about a concern or complaint;
- uses Freedom of Information requests excessively and unreasonably;
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner;
- an insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

What is 'harassment'?

Harassment is the unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community and/or
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

Parents' expectations of the school

Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:

- regularly communicate to parents/carers in writing:
 - how and when problems can be raised with the school;
 - the existence of the school's complaints procedure, and
 - the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools;
- respond within a reasonable time;
- be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and in line with advice from the Local Authority (LA) keep complainants informed of progress towards a resolution of the issues raised.

The school's expectations of parents/carers/members of the public

The school can expect parents/carers/members of the public who wish to raise problems with the school to:

- treat all school staff with courtesy and respect;
- respect the needs and well-being of pupils and staff in the school;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time;
- (in the case of a complaint) follow the Complaints Policy.

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the college community. If there is evidence of any such aggression the college may:

- ban the individual from entering the college site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

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 college nevertheless reserves the right not to respond to communications from individuals subject to the policy.

The school's actions in cases of persistent or vexatious complaints or harassment

In the first instance, the school will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only
- (in the case of physical, or verbal aggression) take advice from LA HR / Legal Services (services purchased by the Governing Body) and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- consider taking advice from the LA on pursuing a case under Anti- Harassment legislation;
- consider taking advice from the HR / Legal Services of the LA about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.

Legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. However, the school will be advised by the HR / Legal Services of the LA.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/Legal Services of the LA.

Appendix 1 Complaint Form

Please complete and return to the main administration office. You will receive an acknowledgement.



Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address:

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 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.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix 2 Request for the Chair of the Governing Body to review the procedure followed in resolving a complaint.



Please complete and return to the main administration office. You will receive an acknowledgement.

Your name:

Pupil's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address

Dear Chair of the Governing Body

I submitted a formal complaint to the college on

I am not satisfied with the procedure that has been followed.

My complaint was submitted to..... and I received a response from on

I have attached copies of my formal complaint and of the response(s) from the college.

I am dissatisfied with the way in which the procedure was carried out because.

Please continue of separate sheets if you wish.

Number of additional sheets.....

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: