



Walter Infant School and Nursery

COMPLAINTS POLICY

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SCHOOL COMPLAINTS POLICY

1 General Complaints Procedure

1.1 Initial Action (Informal Stage)

Any problem or concern should be raised promptly with the class teacher or member of staff responsible for the area or action you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the Headteacher or head of year. All staff will make every effort to resolve your problem promptly at this informal stage. Most concerns and potential complaints can best be resolved through informal discussion with the relevant member of staff or Headteacher.

1.2 Stage 1 (Headteacher)

If you are dissatisfied with the response of the member of staff (or the Headteacher if they have been involved at the informal stage), then you may wish to put your concerns in writing to the Headteacher as a complaint. You should make it clear if you wish the matter to be dealt with as a complaint. The Headteacher will investigate the complaint and provide a written response. This will normally be within 10 school days following receipt of your letter, but you will be kept informed if, for example, more time is needed to complete the investigation.

If your original concern was about an action by the Headteacher personally, and you have already discussed it at the informal stage, then you should put your complaint in writing to the Chair of Governors (stage 2).

1.3 Stage 2 (Chair of Governors)

If you are not satisfied with the Headteacher's response, you may contact the Chair of Governors. The Chair's name and how to contact him/her is published in the school's Prospectus and is also available from the school office.

The Chair of Governors will investigate your complaint and, if appropriate will seek to resolve the matter through discussion with yourself and the Headteacher. At the end of this stage the Chair will provide you with a written response. This will normally be within 10 school days of receipt of the complaint by the Chair, but you will be kept informed if more time is needed.

1.4 Stage 3 (Governing Body)

If you are not satisfied with the Chair's response at the end of stage 2, the complaint can be referred to the Governing Body by writing to the Chair or Clerk to the Governing Body.

The Governing Body will form a panel of governors to investigate your complaint. The panel will generally consist of 3 governors who have not previously been involved in dealing with the complaint. The panel will elect its own chair. The panel will normally arrange a meeting within fifteen school days of your request for escalation to the Governing Body being received, depending on the availability of all concerned.

The Chair or Clerk to the Governing Body will inform you of the following:

- the date, time and venue of the meeting at which your complaint will be discussed;
- how the meeting will be conducted (you may be invited to speak to the panel at the meeting);
- details of any supporting documentation that is needed (this must be forwarded to the clerk no less than 5 days before the hearing); and

- your right to be accompanied at the meeting.

After the panel meeting, the panel will consider the complaint and all the evidence presented and:

- reach a majority decision on the complaint;
- decide or recommend upon the appropriate action (if any) to be taken; and
- where appropriate, suggest changes to, or request a review of, the school's systems of procedures to ensure that problems of a similar nature do not happen again.

The step outlined above will normally take place within 10 school days of the meeting and will be documented in letters to both the Headteacher and you. For most complaints the decision of the Governing Body is the last step in the procedure. If at this stage you are not satisfied with the outcome you can contact OFSTED or the Secretary of State.

For further information, please see WBC's Governor Complaints Panel Guidance Notes at Appendix I to this policy.

2 Specific Complaints Procedure

2.1 School Curriculum

There is a specific procedure for complaints about the school curriculum and matters relating to it, including the provision of information and charges. In general these are dealt with in a similar way to other complaints. However, there are some specific differences:

- You may complain either to the Local Authority or the Governing Body in the first instance.
- The complaint will be investigated by whichever of these is responsible for the matter complained about.
- The Governing Body will inform both the complainant and the Local Authority of the outcome of its investigation.
- There is a right of appeal to the Local Authority, and then to the Secretary of State.

If you are in doubt whether your complaint comes into this category, or would like a copy of the full procedure for complaints relating to the school curriculum, please call Wokingham Borough Council's Customer Care Helpline on 0118 974 6000.

In general, internal school matters are the responsibility of the school's Governing Body. However, you may have a complaint which relates to something which is the Local Authority's responsibility. Arrangements for complaining to the Council are summarised in section 2.5 below.

The Local Authority will provide advice to parents and schools on procedures for dealing with complaints. The Local Authority will, where appropriate, check to make sure that the complaint has been reasonably dealt with. Where required, Local Authority officers may be involved in helping schools to investigate and resolve particular complaints.

2.2 School admissions and exclusions

Separate complaint and appeal procedures exist for these matters, and appropriate information is available on request from the school.

2.3 Special needs

There is a separate appeal procedure for these matters, and appropriate information is available on request from the school.

2.4 Complaints against school staff

If your complaint amounts to or includes an allegation against a member of staff, this may need to be considered under the school's disciplinary procedure for employees, rather than the complaint procedure. You will be advised if these procedures are to be used in dealing with your complaint.

2.5 A complaint about the Local Authority

Procedures for complaining about the Local Authority are set out in a separate leaflet about the Council's complaints procedure. A copy of this leaflet is available from the Council offices or the Council's web site. Complaints should be made in the first instance to the head of the service or section concerned. If you are still not satisfied you may refer your complaint for investigation by the Chief Executive's team. The final stage of the complaints procedure is referral to the local government ombudsman.

2.6 Habitual or vexatious complainants

Where a complainant, either individually or as part of a group might be considered to be 'habitual or vexatious', the school will deal with this complainant in accordance with the WBC's Model Habitual or Vexatious Complainants Policy which can be found at Appendix II to this policy.

3 Relevant contact details

The School Office, Chair of Governors and Clerk to the Governors can all be contacted via the School Office, Walter Infant School and Nursery, Murray Road, Wokingham, Berkshire, RG41 2TA, telephone 0118 978 0825.

The link to the Wokingham Borough Council webpage relevant to complaints is:
<http://www.wokingham.gov.uk/services/say-it/complaints/>

You may contact the Council using the online 'contact us' form via this page, or using the main number (0118 974 6000). The customer services team will log and track any complaints.

APPENDIX I TO WALTER INFANT SCHOOL & NURSERY'S COMPLAINTS POLICY:

GOVERNOR COMPLAINTS PANEL GUIDANCE NOTES

1 Terms of Reference

The panel must be convened according to the complaints procedure published by the school as part of their complaints policy. All parties should have received a copy of the procedures.

2 Composition

The panel must consist of three governors previously unconnected with the case. This would usually exclude the Chair of Governors if he/she has had prior involvement

The Chair of the panel is agreed by the other members of the panel.

The meeting must be minuted by a nominated clerk who is usually the clerk to the governing body.

The minutes must be an accurate representation of what happens at the meeting. The minutes are confidential.

3 Chair's Introduction

- Welcome and introduce everyone in the room and their role in the proceedings. Those present will be the panel members, the clerk, the headteacher (or the person representing the school), the complainant (both parties are entitled to be accompanied by a friend or relative)
- Witnesses in support of either the school or the complainant should wait outside the room until called.
- Explain the reason for the panel being held – to offer a fresh and fair look at the complaint from stage 2 as defined in the complaints procedures.
- Explain that the panel cannot consider new complaints at this stage.
- Explain the structure of the meeting.
- Explain that the panel will deliberate separately, in private, after the meeting and their conclusions will be sent out to all parties within 5 school days.
- Ensure that everyone has a copy of the papers including a copy of the complaints procedures.
- Check that everyone understands all of the above.

The Chair must ensure that:

- There is a clear written statement of the complaint which is the same as the complaint previously investigated. It may be appropriate to clarify if any aspects of the complaint fall outside the remit of the panel.
- There is a clear statement of the outcomes desired.

4 Structure of the Meeting

- The complainant will be given the opportunity to explain their complaint.
- The panel and the Headteacher (or person representing the school) will be allowed to ask the complainant questions.
- The Headteacher (or person representing the school), will be given the opportunity to present the school's response, interpretation or view about the complaint.
- The panel and the complainant will be allowed to ask the Headteacher (or person representing the school) questions.

- At the panel's discretion, witnesses may be called and heard in support of either party's representations, and if so may be questioned by the panel and either party.
- The complainant will be given the opportunity to make a final statement.
- The Headteacher (or person representing the school) will be given the opportunity to make a final statement.
- The Chair will confirm with both parties that they have had the opportunity to put their case.
- The Chair will thank all for attending and explain that the panel will deliberate separately in private and a letter setting out the panel's conclusions will be sent out within 5 school days.

5 Deliberation and Conclusion

The main points of the complaint must all be addressed.

- For each point, the panel need to explain their findings based on fact where possible.
- The panel need to consider the outcomes requested and agree or disagree giving reasons.
- The panel can make recommendations to either the Headteacher or governing body.
- The concluding letter must be signed by the Chair of the panel.
- It will be sent out promptly and within 5 schools days of the meeting.
- The letter should indicate that this is the final stage of the schools complaints procedure. Where relevant, it should refer the complaint to other available avenues if dissatisfied with the outcome.

APPENDIX II TO WALTER INFANT SCHOOL'S COMPLAINTS POLICY:

HABITUAL OR VEXATIOUS COMPLAINANTS

1 Introduction

- 1.1 This policy applies to all complainants, and identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.
- 1.2 In this policy the term habitual means 'done constantly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests cause disproportionate and repeated efforts on behalf of the school staff and governors by pursuing an unreasonable course of conduct.
- 1.3 The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004, and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.
- 1.4 Habitual and/or vexatious complainants can be a problem for school staff and governors. The difficulty in handling such complaints can place a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2 Scope of Policy

- 2.1 This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school's complaints procedures. However it is not necessary for a complaint to have become a level 3 complaint before this policy can be invoked. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.
- 2.2 The policy should only be invoked following careful consideration of all the issues by the Headteacher and the Chair of Governors after an attempt has been made to reason with the complainant and it has been explained to them what it will mean if the habitual and vexatious policy is invoked. Authorisation to invoke the policy must be made in consultation with and on the advice of a panel of 3 governors. In an emergency the Chairman of Governors or if unavailable the Vice Chair of Governors may give authorisation pending ratification by the panel of 3 governors. The decision to invoke the policy must be reported to the full governing body.
- 2.3 No individual may undertake a role in authorisation in this procedure if he/she has had an involvement with the complaint.

3 Definition of Habitual or Vexatious Complainant

- 3.1 Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.
- 3.2 Where complainants:

- 3.2.1 persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided);
- 3.2.2 change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. **Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints;**
- 3.2.3 are unwilling to accept documented evidence of action;
- 3.2.4 are unwilling to accept that the Governing body has reached a final decision on a chosen course of action;
- 3.2.5 deny receiving an adequate response in spite of correspondence specifically answering their questions;
- 3.2.6 persist in pursuing a matter when they have already exhausted other statutory routes;
- 3.2.7 do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns;
- 3.2.8 continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing body to investigate;
- 3.2.9 focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgements must be used in applying this criteria;
- 3.2.10 have in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case;
- 3.2.11 have threatened or used physical violence towards staff at any time. This will in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. WBC Children's Services has determined that any complainant who threatens or uses actual physical violence towards staff will be regarded as a vexatious complainant and will receive written confirmation of the same from the Director, Children's Services. This will also inform the complainant of the action to be taken with regard to any further communication received
- 3.2.12 have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour;
- 3.2.13 are known to have recorded meetings or telephone conversations or circulated such records to third parties without the prior knowledge and consent of other parties involved; and/or
- 3.2.14 make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.

4 Strategy for Dealing with Habitual or Vexatious Complainants.

- 4.1 Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officers (Headteacher and Chair of Governors or if unavailable the Vice Chair of Governors) will determine what action to take. The Clerk will implement such action and will notify complainants, in writing, of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure.

- 4.2 This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. LA officers, staff, Members of Parliament, Members of WBC. A record must be kept, for future reference, of the reasons why a complainant has been classified as habitual or vexatious.
- 4.3 It may be decided to deal with complainants in one or more of the following ways:
- 4.3.1 Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.
 - 4.3.2 To restrict contact to liaison through a designated member of staff.
 - 4.3.3 Notify the complainant in writing that the Governing body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.
 - 4.3.4 Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing body shall not, without the consent of the LA, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

5 Review Decisions and Withdrawing 'Habitual or Vexatious' Status.

- 5.1 Once a complainant has been determined, as habitual or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.
- 5.2 A panel of 3 governors should review their decisions to categorise a complainant as habitual or vexatious every six months.
- 5.3 The panel on review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.
- 5.4 If the panel considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.
- 5.5 Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

6 Monitoring Arrangements

Statistical information will be presented annually to the Governing body with details of complainants who are categorised as habitual and / or vexatious.

7 General

Nothing in this policy affects an individual's statutory rights.