



*THE*  
**PHILIP MORANT**  
*SCHOOL AND COLLEGE*

# Concerns and Complaints Policy

**Incorporating:**

- **Procedures for Concerns and Complaints**
- **Dealing with Persistent and/or Vexatious Complaints**

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## 1 Executive Summary

This policy statement sets out the school's approach to dealing with parental concerns and complaints. Further details of how we handle them are contained in our procedures document, *Procedures for Concerns and Complaints*, which can be found in Section 3.

## 2 Key Principles for Handling Concerns and Complaints

### 2.1 The Home/School Relationship

2.1.1 We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

2.1.2 We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

2.1.3 We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of students. In such instances the school may refer to its' Policy for Dealing with Vexatious or Persistent Complainants.

### 2.2 Staff Handling of Parental Concerns

2.2.1 All school staff, teaching and non-teaching, and members of the Governing Body have access to this policy statement and will be familiar with the school's procedures for dealing with parental concerns and complaints.

2.2.2 The school's procedures will be reviewed regularly and updated as necessary.

2.2.3 Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis; or as a group activity for all staff; or for specific groups, such as the office staff or members of the Governing Body.

### 2.3 Further Advice for Parents

2.3.1 The Government advocate resolution of parental concerns and complaints at school level wherever possible, in the interests of maintaining good home/school relations. Government advice on making a complaint about an Academy can be found on the following page of the Department for Education website.

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

### **3 Procedures for Dealing with Concerns and Complaints**

#### **3.1 Stages of the Procedure**

3.1.1 The majority of concerns from parents, carers and others are handled under the following general procedures. The procedure is divided into three stages:

Stage 1 aims to resolve the concern through informal contact at the appropriate level in school.

Stage 2 is the first formal stage at which written complaints are considered by the school.

Stage 3 involves a complaints review panel of governors.

How each of these stages will be implemented is explained in the sections below:

#### **3.2 Initial Informal Contact with the School (Stage 1)**

3.2.1 Many concerns will be dealt with informally when you make them known to us. The first point of contact for parents/carers should normally be your child's form tutor or Head of House. For specific academic considerations you may wish to contact the subject teacher.

3.2.2 We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.

3.2.3 We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed.

3.2.4 We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.

3.2.5 We will discuss with you as soon as possible the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.

3.2.6 If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

#### **3.3 Formal consideration of your complaint (Stage 2)**

3.3.1 This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

3.3.2 *Stage 2A* - Your written complaint should be addressed to the Principal who may delegate a designated deputy to consider it. If your complaint concerns the Principal personally you should write to the school marked "For the attention of the Chair of Governors" and in this instance procedures start at Stage 2B, paragraph 3.3.10, below.

3.3.3 We will acknowledge your complaint in writing as soon as possible after receiving it.

3.3.4 We endeavour to respond quickly but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.

3.3.5 As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish,

you can ask someone to accompany you to help you explain the reasons for your complaint.

- 3.3.6 The Principal or designated deputy may also be accompanied by a suitable person if they wish.
- 3.3.7 Following the meeting, the Principal or designated deputy will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.
- 3.3.8 If the complaint is against a member of staff, if appropriate, it will be dealt with under the school's internal confidential procedures, as required by law.
- 3.3.9 The Principal or designated deputy will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
- 3.3.10 Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the Principal's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
- 3.3.11 *Stage 2B* - If the complaint is about the Principal, or if you have been unable to resolve your complaint within the school, you should write to the school marked "For the attention of the Chair of Governors". The Chair of Governors will designate a governor to consider your complaint. The designated governor will then follow the procedures outlined in steps 3.3.2 to 3.3.9, above.

### 3.4 Consideration by a complaints review panel (Stage 3)

- 3.4.1 If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, the Chair of Governors may agree to set up a complaints review panel to consider it. This is a formal process and your final stage at school level. Where he or she feels it would be helpful in resolving the complaint, the Chair of Governors has discretion to agree to this form of meeting.
- 3.4.2 The purpose of this arrangement is to give your complaint a hearing in front of a panel of at least three people including Governors who were not directly involved in the matter and one of whom is independent of the management running of the school, who can, therefore, consider it without prejudice.
- 3.4.3 The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the complainant. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.
- 3.4.4 The complaints review panel operates according to the following formal procedures:
- 3.4.5 The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 school days**.
- 3.4.6 The clerk will ask the complainant whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
- 3.4.7 The Principal will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.

- 3.4.8 The clerk will inform you, the Principal, any relevant witnesses and members of the panel by letter, at least five school days in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
- 3.4.9 With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
- 3.4.10 The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
- 3.4.11 With the agreement of the chair of the panel, the Principal may invite members of staff directly involved in matters raised by you to attend the meeting.
- 3.4.12 The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.  
As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- 3.4.13 The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
- 3.4.14 Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked to maintain confidentiality in the minutes.
- 3.4.15 During the meeting, you can expect there to be opportunities for:
- you to explain your complaint;
  - you to hear the school's response from the Principal;
  - you to question the Principal about the complaint;
  - you to be questioned by the Principal about the complaint;
  - the panel members to be able to question you and the Principal;
  - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
  - you and the Principal to make a final statement.
- 3.4.16 In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Principal and yourself within two weeks. All participants other than the panel and the clerk will then leave.
- 3.4.17 The panel will then consider the complaint and all the evidence presented in order to:
- reach a unanimous, or at least a majority, decision on the complaint;
  - decide on the appropriate action to be taken to resolve the complaint;

- recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

3.4.18 The clerk will send you and the Principal a written statement outlining the decision of the panel within two weeks.

3.4.19 We will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.

#### 4 Chief Executive Officer (Stage 4)

If you have followed all the previous stages and still remain dissatisfied you may take your complaint to the Chief Executive Officer

Once a complaint has been referred the Chief Executive Officer he will consider the complaint and endeavour to provide you with a written response within 14 days.

You will be given the opportunity to meet with the Chief Executive Officer to make representations in person and you will have the right to bring a friend/family member or other supporter. The meeting will therefore meet at a time and a venue convenient to all parties. If you decide not to meet with the Chief Executive Officer then a decision will be made in your absence.

#### 5 Outcomes of Investigations

Whether the complaint has been investigated by a Head of School , Executive Principal, Governor or the Chief Executive, a written response will be sent outlining the outcome of the investigation.

The letter will also tell you where to next take the complaint, if not satisfied with the response provided. The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the Academy. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

#### 6 The Role of the Local Authority

The Local Authority does not have a statutory duty to consider Academy complaints and you do not have a right of appeal to the Local Authority should you disagree with the decision. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the method of investigation followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the governing body.

#### 7 The Role of the Secretary of State for Education (the Department for Education)

If you still remain dissatisfied and feel the Academy has acted unreasonably, or that it has failed to discharge a statutory duty, you may wish to refer your complaint to the Secretary of State for Education.

## 8. Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you continue to make representations to the Academy or continue correspondence into the same issues, the Academy Trust Board reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

## 9. Dealing with Persistent and/or Vexatious Complaints

A vexatious or persistent complainant is **not** someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the Head of school/ Executive Principal/ Governors / Chief Executive Officer have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.

The Academy Trust Board therefore reserves the right to close complaints from those who demonstrate any of the following behaviours:

- frequently complaining about a variety of different matters, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the school frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the school and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- seeking to bring the academy into disrepute through interaction with the media.

If you wish to pursue your complaint further, you can take your complaint to the Department for Education. Government advice on making a complaint about an Academy can be found on the following page of the Department for Education website. <http://media.education.gov.uk/assets/files/pdf/e/efa%20academies%20complaints%20procedure%20august%202012.pdf>

**We would advise parents that, unless the school is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the local authority or the Secretary of State.**