



Complaints Policy

*& Persistent Complaints/ Harassment
policy*

Autumn 2018

1. Introduction

1.1 Brynmill Primary School is committed to dealing effectively with complaints. We aim to clarify any issues about which you are not sure. If possible we will put right any mistakes we have made and we will apologise. We aim to learn from mistakes and use that experience to improve what we do.

1.2 Our definition of a complaint is 'an expression of dissatisfaction in relation to the school or a member of its staff that requires a response from the school.'

Separate procedures are in place for concerns of the following nature:

The curriculum

SEN

RE and Collective Worship

Admissions

Exclusions

Staff Grievance

Teacher Capability

Staff Disciplinary

Child Protection issues

1.3 This complaints procedure supports our commitment and is a way of ensuring that anyone with an interest in the school can raise a concern, with confidence that it will be heard and, if well-founded, addressed in an appropriate and timely fashion.

The Governing Body will adopt the Complaints Procedures for School Governing Bodies in Wales Guidance document no: 011/2012 Date of issue: October 2012

2. When to use this procedure

2.1 When you have a concern or make a complaint we will usually respond in the way we explain below. Sometimes you might be concerned about matters that are not decided by the school, in which case we will tell you who to complain to. At other times you may be concerned about matters that are handled by other procedures, in which case we will explain to you how your concern will be dealt with.

2.2 If your concern or complaint is about another body as well as the school (for example the Local Authority) we will work with them to decide how to handle your concern.

3. Have you asked us yet?

3.1 If you are approaching us for the first time you should give us a chance to respond. Most concerns can be settled quickly just by speaking to the relevant person in school, without the need to use a formal procedure. If you are not happy with our response then you may make your complaint using the procedure we describe below.

4. What we expect from you

4.1 We believe that all complainants have a right to be heard, understood and respected. But school staff and governors have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate

unreasonable demands or unreasonable persistence or vexatious complaining. Please see persistent complaints/ harassment policy appended to this document for further information.

5. Our approach to answering your concern or complaint

5.1 We will consider all your concerns and complaints in an open and fair way.

5.2 At all times the school will respect the rights and feelings of all those involved and make every effort to protect confidential information.

5.3 Timescales for dealing with your concerns or complaints may need to be extended following discussion with you.

5.4 We may ask for advice from the local authority or diocesan authority where appropriate.

5.5 Some types of concern or complaint may raise issues that have to be dealt with in another way (other than this complaints policy), in which case we will explain why this is so, and will tell you what steps will be taken. Examples of these concerns are listed in section 1.2

5.6 The governing body will keep the records of documents used to investigate your concern or complaint for seven years after it has been dealt with. Records will be kept in school and reviewed by the governing body after seven years to decide if they need to be kept for longer.

5.7 Complaints that are made anonymously will be recorded but investigation will be at the discretion of the school depending on the nature of the complaint.

5.8 Where complaints are considered to have been made only to cause harm or offence to individuals or the school, the governing body will ensure that records are kept of the investigations that are made and what actions are taken, including the reasons for 'no action'.

6. Answering your concern or complaint

6.1 The chart in Appendix A shows what may happen when you make a complaint or raise a concern. There are up to three Stages: A, B and C. Most complaints can be resolved at Stages A or B. You can bring a relative or companion to support you at any time during the process but you will be expected to speak for yourself. However, we recognise that when the complainant is a pupil it is reasonable for the companion to speak on their behalf and/or to advise the pupil.

6.2 As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with your concern or complaint will need to consider whether anyone else within the school needs to know about your concern or complaint, so as to address it appropriately.

6.3 If you are a pupil under 16 and wish to raise a concern or bring a complaint we will ask for your permission before we involve your parent(s) or carer(s). If you are a pupil under 16 and are involved in a complaint in any other way, we may ask your parent(s) or carer(s) to become involved and attend any discussion or interview with you.

Stage A

6.4 If you have a concern, you can often resolve it quickly by talking to a teacher or Headteacher. You should raise your concern as soon as you can; normally we would expect you to raise your issue within 10 school days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively.

6.5 If you are a pupil, you can raise your concerns with your school council representative, form tutor or a teacher chosen to deal with pupil concerns (as appropriate for the school). This will not stop you, at a later date, from raising a complaint if you feel that the issue(s) you have raised have not been dealt with properly. The person designated to deal with pupil complaints is Mrs. Kate Jenkins.

6.6 We will try to let you know what we have done or are doing about your concern normally within 10 school days, but if this is not possible, we will talk to you and agree a revised timescale with you.

6.7 The person overseeing your concern or complaint will keep you informed of the progress being made. This person will also keep a log of the concern for future reference.

Stage B

6.8 In most cases, we would expect that your concern is resolved informally. If you feel that your initial concern has not been dealt with appropriately you should put your complaint in writing to the headteacher.

6.9 We would expect you to aim to do **this within five school days of receiving a response to your concern as it is in everyone's interest to resolve a complaint as soon as possible.** There is also a form attached (**Appendix B**) that you may find useful. If you are a pupil (the designated person) will explain the form to you, help you complete it and give you a copy.

6.10 If your complaint is about the headteacher, you should put your complaint in writing to the chair of governors, addressed to the school, to ask for your complaint to be investigated.

6.11 The Headteacher (or Chair of Governors if the complaint is about the Headteacher) will invite you to discuss your complaint at a meeting. Timescales for dealing with your complaint will be agreed with you. We will aim to have a meeting with you and to explain what will happen, normally within 10 school days of receiving your letter. The Headteacher (or Chair of Governors if the complaint is about the Headteacher) will complete the investigation and will let you know the outcome in writing within 10 school days of completion.

Stage C

6.14 It is rare that a complaint will progress any further. However, if you still feel that your complaint has not been dealt with fairly, you should write, through the school's address, to the chair of governors setting out your reasons for asking the governing body's complaints committee to consider your complaint. You may be asked to clarify, in writing, a summary of your complaint.

6.15 We will let you know how the complaint will be dealt with and will send a letter to confirm this. The complaints committee will normally have a meeting with you within 15 school days of receiving your letter.

6.16 The letter will also tell you when all the evidence and documentation to be considered by the complaints committee must be received. Everyone involved will see the evidence and documentation before the meeting, while ensuring that people's rights to privacy of information are protected. The letter will also record what we have agreed with you about when and where the meeting will take place and what will happen. The timescale may need to be changed, to allow for the availability of people, the gathering of evidence or seeking advice. In this case, the person dealing with the complaint will agree a new meeting date with you.

6.17 Normally, in order to deal with the complaint as quickly as possible, the complaints committee will not reschedule the meeting more than once. If you ask to reschedule the meeting more than once, the committee may think it reasonable to make a decision on the complaint in your absence to avoid unnecessary delays.

6.18 We will write to you within 10 school days of the meeting explaining the outcome of the governing body's complaints committee's consideration.

6.19 We will keep records of all conversations and discussions for the purpose of future reference and review by the full governing body. These records will be kept for a minimum of seven years.

6.20 The governing body's complaints committee is the final arbiter of complaints i.e. there will be no appeal to the final outcome.

7. Special circumstances

7.1 Where a complaint is made about any of the following the complaints procedure will be applied differently.

i. **A governor or group of governors** The concern or complaint will be referred to the chair of governors for investigation. The chair may alternatively delegate the matter to another governor for investigation. Stage B onwards of the complaints procedure will apply.

ii. **The chair of governors or headteacher and chair of governors** The vice chair of governors will be informed and will investigate it or may delegate it to another governor. Stage B onwards of the complaints procedure will apply.

iii. **Both the chair of governors and vice chair of governors** The complaint will be referred to the clerk to the governing body who will inform the chair of the complaints committee. Stage C of the complaints procedure will then apply.

iv. **The whole governing body** The complaint will be referred to the clerk to the governing body who will inform the headteacher, chair of governors, local authority and, where appropriate, the diocesan authority. The authorities will usually agree arrangements with the governing body for independent investigation of the complaint.

v. **The headteacher** The concern or complaint will be referred to the chair of governors who will undertake the investigation or may delegate it to another governor. Stage B onwards of the complaints procedure will apply. 7.2 In all cases the school and governing body will ensure that complaints are dealt with in an unbiased, open and fair way.

8. Our commitment to you

8.1 We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them.

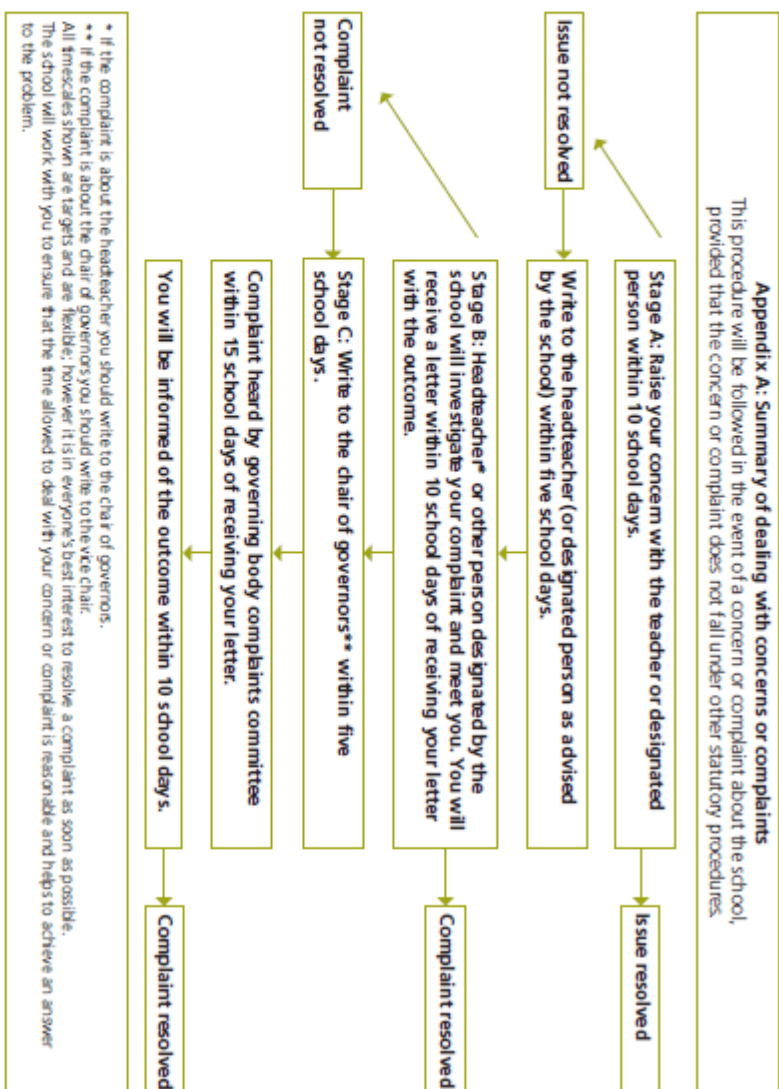
8.2 If you need help to make your concerns known we will try and assist you. If you are a young person and need extra assistance the Welsh Government has established MEIC which is a national advocacy and advice helpline for children and young people. Advice and support can also be accessed from the Children's Commissioner for Wales. **33** Complaints procedures for school governing bodies in Wales Guidance document no: 011/2012 Date of issue: October 2012

8.3 The governing body has consulted with staff and pupils on this policy and will consult further if any amendments are made in the future. Signed by chair of governors on behalf of the governing body of Brynmill Primary School

Date approved: Autumn 2018
(by full governing body)

MEIC may be contacted by freephone: 0808 802 3456, or text: 84001. This service is operated 24 hours a day. The Children's Commissioner for Wales can be contacted by freephone: 0808 801 1000 (Monday to Friday 9a.m. to 5p.m.), text: 80 800 (start your message with COM) or e-mail: advice@childcomwales.org.uk

Appendix A: Summary of dealing with concerns or complaints



Appendix B: Model complaint form

The person who experienced the problem should normally fill in this form. If you are making a complaint on behalf of someone else please fill in Section B also. Please note that before taking forward the complaint we will need to be satisfied that you have the authority to act on behalf of the person concerned. If you are a pupil the school will help you complete this form, will explain it to you and will give you a copy of it when it is completed.

A. Your details

Surname	
Forename(s)	
Title: Mr/Mrs/Ms/other	
Address and postcode	
Daytime phone number	
Mobile phone number	
e-mail address	

How would you prefer us to contact you?

B. If you are making a complaint on behalf of someone else, what are their details?

Their name in full	
Address and postcode	
What is your relationship to them?	
Why are you making a complaint on their behalf?	

C. About your complaint (continue your answers on separate sheets of paper if necessary)

C.1 Name of the school you are complaining about.

C.2 What do you think they did wrong or did not do?

C.3 Describe how you have been affected.

C.4 When did you first become aware of the problem?

Complaints procedures
for school governing
bodies in Wales
Guidance document no:

C.5 If it is more than three months since you first became aware of the problem, please give the reason why you have not complained before.

C.6 What do you think should be done to put matters right?

C.7 Have you already put your complaint to a member of staff?
If so, please give brief details about how and when you did so.

Signature of complainant:

Date:

Signature if you are making a complaint on behalf of someone else

Signature:

Date:

Please send this form and any documents to support your complaint to:

[Insert name of complaint handler]

[Insert address and contact details of complaint handler]

Persistent Complaints/Harassment Policy

This Policy is intended to be used in conjunction with the School's Complaints Policy. Taken together, these documents set out how the School will always seek to work with parents, carers and others who have a legitimate complaint to resolve any difficulty. Sample letters are included within this document.

In cases of persistent complaints or harassment the School may implement the Persistent Complaints/Harassment Policy outlined below.

1. Aims of the Policy

1.1 The aims of this policy are to:

- (a) 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;
- (b) support the well-being of pupils, staff and everyone else who has legitimate interest in the work of the School, including governors and parents;
- (c) deal fairly, honestly and properly with persistent complainants and those who harass members of staff or others in school while ensuring that other stakeholders suffer no detriment.

2. What is 'unreasonable behaviour'?

2.1 Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, persistent – even when the Complaints Procedure has been exhausted – personally harassing, unjustifiably repetitious; and/or
- An insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints; and/or
- An insistence on pursuing justifiable complaints in an unreasonable manner eg using abusive or threatening language, making complaints in public, refusing to attend appointments to discuss the complaint.

3. What is 'harassment'?

3.1 Harassment is considered to be the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

4. What and who is a 'persistent complainant'?

- 4.1 For the purpose of this Policy a persistent complainant may be a parent/carer or member of the public who complains in an unreasonable manner and/or who engages in unreasonable behaviour whilst pursuing a complaint.
- 4.2 The complaint may be made 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:
- (a) actions which are obsessive, persistent, harassing, prolific and/or repetitive; and/or
 - (b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint: and/or
 - (c) an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes: and/or
 - (d) an insistence upon pursuing meritorious complaints in an unreasonable manner.
- 4.3 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (d) above in such a way that they:
- (a) appear to be targeted over a significant period of time on one or more members of school staff; and/or
 - (b) cause ongoing distress to individual member(s) of school staff; and/or
 - (c) have a significant adverse effect on the whole/parts of the school community; and/or
 - (d) are pursued aggressively.
- 4.4 The School will expect parents/carers/members of the public to:
- 4.4.1 respect confidentiality
 - 4.4.2 refrain from discussing the complaint
 - 4.4.3 refrain from making the complaint public via telephone, e-mail or any other media network facility
 - 4.4.4 behave in a reasonable manner
 - 4.4.5 refrain from engaging unreasonably
 - 4.4.6 refrain from behaviour that could impact upon the school, pupils or staff in any detrimental way.

5. Expectations

5.1 Throughout any complaints process complainants can expect certain responses from the school and the school can expect complainants to behave appropriately. See further information at Appendix A.

6. The School's Actions in Cases of Persistent Complaints or Harassment

6.1 The School will take the following consecutive steps as necessary if the complainant's behaviour is not modified:

- (a) verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and may be considered to fall under the terms of this policy;
- (b) inform the complainant in writing that his/her behaviour is now considered by the School to be becoming unreasonable/unacceptable (see Model Letter 1);
- (c) inform the complainant in writing that his/her behaviour is now considered by the School to fall under the terms of this policy (see Model Letter 2);
- (d) 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 (see Model Letter 3);
- (e) inform the complainant that, except in emergencies, all communication from the complainant to the School should be carried out in writing (see Model Letter 4);
- (f) (in the case of physical or verbal aggression) consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban. (In these circumstances advice may be sought from the Local Authority School and Governor Unit, telephone number 01792-636550);
- (g) Consider taking advice from the City and County of Swansea on requesting an Anti-Social Behaviour Order (with reference to Legal Department for instigating Anti harassment procedure/injunction, telephone number 01792-636000).

6.2 Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the School's Persistent Complaints/Harassment Policy. In these circumstances advice may be sought from the Local Authority (contact School and Governor Unit, telephone number 01792-636550).

6.3 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 Local Authority (contact School and Governor Unit, telephone number 01792-636550).

7 Review

7.1 The School will review as appropriate, and at a minimum once every school year, any sanctions applied in the context of this Policy.

8. Summary

8.1 The School has policies in place to protect all members of the public from unsatisfactory service. The School respects the rights of individuals or groups to make requests or to complain and have established procedures to facilitate this. However, this must be done in an

appropriate and reasonable manner. This policy seeks to ensure that this is achieved and that the rights of everyone attending the School for any reason are respected.

The Complaints/ persistent complaints and harassment policy will be monitored and reviewed in line with school's policy review cycle.

Policy ratified by Governors on-----

This policy will be reviewed in Autumn 2021

Signed: ----- Signed-----

Headteacher

Chair of Governors

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Appendix A

Parents/Carers and Members of the Public Expectations of the School

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

- (a) communicate regularly to parents/carers in writing;
 - how and when problems can be raised with the School; and
 - the existence of the School's complaints procedure; and
 - the existence of the Persistent Complaints/Harassment Policy;
- (b) respond within a reasonable time;
- (c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint;
- (d) respond with courtesy and respect;
- (e) attempt to resolve problems using reasonable means in line with the School's Complaints Policy, other policies and practices eg Restorative Practice and in line with guidance and advice from the City and County of Swansea, the Welsh Government and/or other appropriate sources of professional advice and guidance;
- (f) 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 will expect parents/carers/members of the public who wish to raise problems with the School to:

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