

### **Date Policy Updated: May 2018**

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We want to ensure that all our pupils get the best out of their time in school. We want them to learn, to participate in activities in school and to enjoy their education. If things go wrong, it is important that parents/carers get in touch with us immediately, especially if you wish to complain.

#### **How to Complain**

We anticipate that parents/carers may have one or more sources of complaint. Complaints may relate to a specific subject or to a matter of pastoral care. It is also possible that parents/carers may wish to make a complaint about a member of staff in particular.

If you wish to make a complaint please contact our school office between 08:30 and 16:00 (01992 442407), leaving your child's name and class and stating the nature of the complaint. A member of staff will return your call within 24 hours or the first working day after the call.

If you wish to complain in writing, your complaint should be addressed to your class teacher, and either posted or emailed to [admin@roselands.herts.sch.uk](mailto:admin@roselands.herts.sch.uk).

Written complaints will be acknowledged within 48 hours of receipt.

You are welcome to come into school at any time, but in order to ensure that a teacher or senior member of staff is free, please make an appointment.

At Roselands we welcome the opportunity to discuss any concerns parents or carers may have about their child's experiences at school. This is usually best done by having an informal meeting with the class teachers. Sometimes parents wish to involve a senior member of staff. The head teacher has an open door policy to parents and will do her best to accommodate any meetings requested.

Often complaints can be resolved informally and we will work to avoid the need for complaints to escalate to formal proceedings.

#### **Making a complaint: moving to the formal stage**

The formal procedure applies to any matter (other than those listed above which have their own processes) which has been raised with the school as a matter of concern, but which has not been capable of resolution informally and which the complainant or the school consider should be dealt with on a formal basis.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the school's Behaviour Code adopted from time to time. The Chair of Governors shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

The first stage of the formal procedure will be as follows:-

1. The complainant must put the complaint in writing, addressed to the Headteacher and school setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
2. An investigation will be carried out by a member of the Senior Leadership Team - who will offer the complainant a meeting and who will speak to others involved. Whenever reasonably possible, the meeting with the complainant will take place within 15 school days of the written complaint being received
3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant.

Any complaint relating to the Headteacher must be raised in the first instance with the Chair of Governors (or Vice-chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a Governor to investigate in the same way as in the first stage of the formal process outlined above.

**The second stage of the formal procedure (if required) will be as follows:**

1. If the complainant is not satisfied with the response of the investigator, she/he may request that the complaint be considered by the Complaints Panel of the Governing Body which will comprise at least 3 people, none of whom have been involved in dealing with the case, and which will include one person who is independent of the management and running of the school. That request must be in writing, addressed to the Clerk to the Governors at the school, within 10 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.
2. The Clerk will invite the school to put in writing its response to the complainant's reasons. The school will do this within 15 school days and at the end of that period (whether or not the school has responded) the Clerk will convene a meeting of the Complaints Panel of the Governing Body. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response time. At any meeting, the complainant will be entitled to be accompanied by a friend but legal representation will not be allowed.
3. The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to put its side of things and each side, as well as the Panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the Panel.
4. The Panel may make findings and recommendations and a copy of those findings and recommendations will be
  - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about
  - (ii) available for inspection on the school premises by the school's trustees and the Headteacher
5. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.
6. If a complainant tries to reopen the same issue, the Chair of Governors may write to the complainant to inform him/her that the procedure has been completed and the matter closed.
7. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.
8. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002 requests access to them or the disclosure is otherwise required by law.

### **Vexatious Complaints**

The school will resist abuse of the complaints procedure. It will not respond to complaints that are vexatious, repeated or manifestly trivial. It may decline to deal with some complaints where the number and/or type of complaints made by a particular individual or family is unreasonable. If, at any stage of the complaints procedure governors decide that a complaint is or has become vexatious they will advise the complainant that the school will not correspond on the matter further. Should correspondence continue, it will be read and filed but may receive no acknowledgement.

Complaints become vexatious when they are:

- Repeatedly and obsessively pursued, or
- Unreasonable or seeking unrealistic outcomes, or
- Reasonable but pursued in an unreasonable manner

Examples may be where complainants:

- Persist in pursuing a complaint where the school's complaints procedure has been properly implemented and exhausted (e.g. where several responses have been provided).
- Change the substance of a complaint: continually raise new issues, or raise further concerns or questions upon receipt of a response.
- Are unwilling to accept documented evidence of action.
- Are unwilling to accept that the Governors have reached a final decision on a chosen course of action.
- Deny receiving an adequate response in spite of correspondence specifically dealing with the issues raised.
- Persist in pursuing a matter when they have already exhausted all routes of appeal.
- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue a complaint where the concerns are not within the control of the school or its governance.
- Focus on trivial matters to an extent which is out of proportion to their significance and continue to press only those points (we recognise that what is a 'trivial' matter is a highly subjective judgement and will exercise care in applying this criteria).
- Have in the course of addressing a complaint, had an excessive number of contacts with the school representatives placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. (Discretion will 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).
- Make unreasonable demands on those dealing with a complaint, refusing 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.
- Make repeated counter-complaints against those dealing with the issue, especially with the clear intention of influencing the outcome of the procedure.
- Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- 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. The school will consider any complainant who make threats or uses actual physical violence towards staff as a vexatious complainant. The school will inform the complainant of the action to be taken with regard to any further communication received and reserves the right to take legal action in such cases.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. We recognise that complainants may be sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, the Governors have a duty of care to their employees and reserve the right to take whatever action is deemed necessary to secure their reasonable safety. Any form of harassment, abusive behaviour or verbal aggression will be recorded and legal action may be taken.