

Persistent or Serial Complaints Policy at Moorlands Primary School



Anything is Possible!

Anything is Possible!

These words reflect our ambition, drive and belief that EVERYONE at Moorlands Primary School can fulfil their true potential in all aspects of their learning!

Introduction

The Head Teacher and staff deal with specific concerns as part of their day-to-day management of Moorlands Primary School in accordance with the School's Complaints Procedure.

The majority of concerns 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.

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 and staff in the community. In these exceptional circumstances the school may take action in accordance with this policy.

Aims

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;
- 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.

Parents Expectations

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

Regularly communicate to parents/carers in writing:

- I. how and when problems can be raised with the school;
- II. the existence of the school's complaints procedure,
- III. the existence of the Policy for Dealing with Persistent or Serial Complaints and/or Harassment in school;

- Respond within 10 working days;
- 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.

Raising a concern or complaint

Informal stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information, and it is anticipated that most complaints will be resolved at the informal stage. In the case of serious concerns, it may be appropriate to address them directly to the head teacher (or to the chair of the governing body if the complaint is about the head teacher). If you are uncertain about who to contact, seek advice from the school office or the clerk to the governing body.

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 head teacher, who will be responsible for ensuring it is investigated appropriately.

If the complaint is about the head teacher, 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. 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 you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed. Pass the completed form, in a sealed envelope, to the school office. The envelope should be addressed to the head teacher or clerk to the governing body, as appropriate.

The head teacher (or chair) may invite you to a meeting to clarify your concerns and 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. It is possible that your complaint will be resolved through a meeting with the head teacher (or chair).

If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case, you should learn in writing, usually within ten days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible, and when it has been concluded, you will be informed, in writing, of its conclusion.

School complaints procedure

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, 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 review request form is provided for your convenience.

Review process

Any review of the process followed by the school will be conducted 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.

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:

- a) treat all school staff with courtesy and respect;
- b) respect the needs and well-being of pupils and staff in 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 school 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.

Principles of this policy

- This procedure is intended to allow you to raise a concern relating to the school or the services that it provides
- An anonymous concern will not be investigated under this procedure unless there are exceptional circumstances
- To enable a proper investigation, concerns should be brought to the attention of the school as soon as possible. In general, any matter raised more than **three months after the event will not be considered.**

Who is a persistent / serial complainant?

For the purpose of this policy, 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:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- d) an insistence upon pursuing complaints in an unreasonable manner;
- e) an insistence on only dealing with the Head Teacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- f) 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.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of staff and/or
- b) cause ongoing distress to individual member(s) of staff and/or
- c) have a significant adverse effect on the whole/parts of the school community and/or

d) 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.

The DfE's guidance suggests schools should seek legal advice if they think persistent contact by a complainant constitutes harassment.

The School's actions in cases of persistent or serial complaints of 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.

- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties
- All concerns will need to be raised in writing.

Process of persistent of serial complaints

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:

1. inform the complainant in writing from LA's Legal Department, that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy. **Any complaints regarding this letter should be referred to Sandwell Legal Department.**
2. inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties.
3. inform the complainant that, except in emergencies, all routine communication **with the complainant to the school will be by letter only. Emails and phone calls will not be accepted.**
4. (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;**

5. advice will be taken from the LA on pursuing a case under Anti-Harassment legislation;
6. advice will be taken 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 school 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 serial and then advise the Head Teacher accordingly.

Thus, based on 6). 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 Serial Complaints and/or Harassment in Academies. 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.

Review

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

Examples of letters

Model forms Moorlands Primary School:

Meeting request form

I wish to meet [insert name of the member of staff] to discuss the following matter:

Brief details of the topic to be discussed:
Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (eg parent of a pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your address:

Telephone numbers

Daytime:

Evening:

Email address:

Signed

Date [Please complete this form and return it to the school office]

School use:

Date form received:

Date response sent:

Received by:

Response sent by:

Moorlands Primary School: formal complaint form

Please complete this form, and return it to the school office or to the head teacher who will acknowledge its receipt and inform you of the next stage of the procedure.

Your name:

Relationship with school (eg parent of a pupil on the school roll):

Pupil's name (if relevant to your complaint):

Your address:

Telephone numbers

Daytime:

Evening:

Email address:

Please give concise details of your complaint (including dates, names of witnesses, etc) to allow the matter to be fully investigated

You may continue on separate paper, or attach additional documents if you wish. Number of

additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (ie who have you spoken with or written to, and what was the outcome?)

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

Signature:

Date:

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Moorlands Primary School: Complaint review request form

Please complete this form, and return it to the head teacher (or clerk to the governing body) who will acknowledge its receipt and inform you of the next stage of the procedure.

Your name:

Your address:

Telephone numbers:

Daytime:

Evening:

Email address:

Dear Sir/Madam

I submitted a formal complaint to the school on, and I am dissatisfied by 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 the response(s) from the school.

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

You may continue on separate paper, or attach additional documents if you wish.

Number of Additional pages attached =

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

Signature:

Date:

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			