



## *Challenge, Equality & Opportunity*

### **POLICY AND PROCEDURE FOR DEALING WITH COMPLAINTS**

At Broadway East we believe that we can only achieve the best for our children by promoting close co-operation between home and school. We encourage active parental and community links and try always to respond positively to questions or concerns. All members of staff, including the Headteacher are always happy to discuss with parents and members of the public, any concerns which they have regarding any aspect of their child's progress and well-being in school, as well as school policy and procedures.

#### **What is a Complaint?**

The DfE defines a complaint as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage and without invoking formal procedures. We will respond to all complaints as swiftly as possible and will take every complaint seriously. We regularly talk to members of the community and parents about things which have occurred in school or about various aspects of our policies and procedures. We answer questions and sometimes consult with staff and draw together information in order to resolve concerns. These cases are not referred to as complaints, but rather, concerns.

#### **Who can Raise a Concern or Complaint?**

Any person, including members of the general public, may raise a concern or make a complaint about any provision of facilities or services that a school provides. Complaints procedures should not be used for appeals and referrals that fall under other procedures and legislation and which are covered by other guidance (such as exclusions, admissions, SEND, Staff grievances, child protection and whistleblowing).

#### **How to Raise a Concern or a Complaint?**

For informal concerns, contact should be made with the relevant member of staff at the school, this is usually a class teacher, a teaching assistant or the office staff. Occasionally, people may decide that contact should be made initially with the headteacher or the deputy headteacher. These informal complaints and concerns are almost always sorted out through a discussion where questions can be answered, clarification can be made and both parties can agree on a way forwards, as appropriate. As far as possible, we encourage parents and other members of the community to contact us when they have any concerns. Contact can be made in person, in writing or by telephone. The full address and telephone number can be found below. Informal concerns and complaints should be brought to the attention of the school as soon as possible.

## **What Happens?**

A discussion will take place and informal complaints and concerns are usually resolved quickly and simply, and do not involve detailed or lengthy investigation.

## **How does a Complaint become Formal?**

A complaint becomes formal when there is still dissatisfaction after an informal complaint or, when from the outset, a complaint cannot be dealt with simply and quickly, and requires investigation.

Formal complaints should be put in writing and addressed to the headteacher. If the complaint is about the headteacher, it should be put in writing and addressed to the chair of governors. If a complaint is about the chair of governors or an individual governor it should be made in writing to the clerk of the governing body (details below).

At this stage, an investigation will begin and details of the complaint will be logged by the school. The complainant is also advised to keep a record of discussions. All records made by school are stored securely and centrally, in keeping with Data Protection Act. School will make an initial response within 5 working days, other than in exceptional circumstances. At all points in any investigation, school will seek to keep the complainant informed.

Complaints should be made as soon as possible. Only in exceptional circumstances will school consider a complaint made outside of a 3 month timescale (ie it should be made within 3 months of an incident).

## **What Happens Next?**

If the complainant remains unhappy after the matter has been considered by the headteacher, then the complaint may be addressed, in the first instance to:-

Dr Tony Purdie  
Chair of the Governing Body  
C/o Broadway East First School  
Gosforth  
Newcastle upon Tyne  
NE3 5JQ

0191 2855141.

The Clerk of the governing body is Karen Calvert.

In the unlikely event of the matter remaining unresolved, representation may be made to:

Director of well-being, care and learning  
Civic Centre  
Newcastle upon Tyne  
NE1 8PU  
Tel: 0191 2328520

We seek to work together with our stakeholders and to listen to concerns so that we can continue to provide a positive and effective learning environment for our community. School will only stop responding to complainants when we have taken every reasonable step to address the complainant's needs, we have given the complainant a clear statement of school's

position and options and if the complainant is contacting the school repeatedly but making the same points each time. We will also stop responding and take appropriate action when complainants are contacting us with the intention of causing disruption or inconvenience, if contact is abusive or aggressive or if there are insults or threats made about staff. Please see our attached policy for dealing with Unreasonably Persistent Complaints, Harassment or Aggression.

Reviewed – Spring 2010, Spring 2012, Spring 2014, Spring 2016, Spring 2018, Spring 2020

Next date for review – Spring 2022

## **Annex to Complaints Policy**

### **Policy for dealing with Unreasonably Persistent Complaints, Harassment or Aggression**

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is extremely committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.

However, there are rare 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 or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

#### **1. What does the school expect of any person wishing to raise a concern?**

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take time;
- follow the school's complaints procedure.

#### **2. What do we mean by 'unreasonably persistent complainants'?**

For the purpose of this policy, an unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include the following (not an exhaustive list):

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- uses Freedom of Information requests excessively and unreasonably;
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner;
- an insistence on only dealing with the Headteacher, or any other particular member of staff, on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- 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.

- using social media, the media, websites to express views about members of staff or share information regarding concerns and complaints.
- abusive or threatening behaviour or language towards school staff.
- failing to specify grounds of the complaint, despite offers of assistance from the school.

### **3. What is harassment?**

We regard harassment as including 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.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has an unjustifiably significant and disproportionate adverse effect on the school community.

### **4. School's responses to unreasonably persistent complaints or harassment**

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require any future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through a third party chosen by the school, for example the Local Authority or County Solicitor;
- inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only;
- take legal advice on pursuing a case under Anti-Harassment legislation.

Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy.

### **5. Physical or verbal aggression**

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;

- request an Anti-Social Behaviour Order (ASBO);
- take legal advice on pursuing a case under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

## **6. Right of appeal**

All persons who are notified by the school that they are being dealt with under this procedure have the right of appeal. Appeals must be addressed to the Chair of Governors. The Chair of Governors will consider each appeal on its merits, consulting with the Headteacher as appropriate. The outcome of the appeal should be notified to the appellant and copied to the Headteacher within 10 working days of receipt.