



# **Oakdale School**

*To be the best we can be*

## **COMPLAINTS PROCEDURE**

This procedure was approved by the Headteacher and Chair of Governors and supersedes any previous Complaints Procedure. It will be reviewed as appropriate, and amended where any clarification or actions are needed, and at a minimum every 3 years. Any amendments will require the approval of the Headteacher and Chair of Governors.

Approval Body	Headteacher and chair of Governors
Date of Approval	03.02.16
Date Due for review	As and when required
Signature of Chair of Governors	
Signature of Headteacher	Linda Lester.

This procedure has been impact assessed by Governor, in order to ensure that it does not have an adverse effect on race, gender or disability equality.

## **INFORMATION FOR PARENTS: PROCEDURE FOR DEALING WITH CONCERNS AND COMPLAINTS ABOUT YOUR CHILD'S EDUCATION**

All schools have a duty to have a complaints procedure and to publicise it to parents and pupils.

Complaints procedures should not be used for appeals and referrals that fall under other procedures and legislation and which are covered by other guidance including:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances
- Child Protection
- Whistleblowing

The staff and governors at Oakdale School are committed to providing a high quality education for your child in a secure and supportive environment. Whilst all concerned strive to achieve their best for the welfare of the pupils at the school, it is appreciated that there may be occasions when you have concerns about your child's education or about particular incidents which have occurred at school. If such a situation arises, we would ask you to follow the procedure outlined below.

### **GENERAL PROCEDURE FOR CONCERNS AND COMPLAINTS**

The procedure is presented as a series of stages, in a question and answer format.

**It is important that you follow through the various stages in the order in which they are given.**

#### **1. I am concerned about some aspect of my child's school life. Who should I speak to first?**

In the first instance you should always address your concern to the member of staff who has direct responsibility for your child's welfare. At Oakdale School this is your child's class teacher. You can contact them to arrange an appointment to discuss your concern when you collect your child at the end of the school day or by telephoning the school, writing a letter or sending a note via your child. It is always best to make contact at an early stage so that any problems can be dealt with before they become major issues, and parents and school can work together to find a satisfactory solution to the problem.

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**2. I've spoken to the class teacher but the situation hasn't improved. What should I do next?**

If you are not satisfied with the response you have received from the class teacher, you need to make an appointment to see the Headteacher, who has overall responsibility for the day-to-day management of the school. You can contact the Headteacher for an appointment either by telephone or in writing. He/she will listen to your concerns, investigate the matter, and then report back to you. Do bear in mind that the Headteacher will have many other responsibilities to attend to, and you may have to wait a few days before receiving a response. Obviously, if the matter is urgent, it will be attended to as soon as possible.

**3. I've been in to see the Headteacher, but I'm not satisfied with the response I've received. Is there anyone else I can talk to about the problem?**

If you feel that your approach to the Headteacher has not resolved the issue as far as you are concerned, the next person you can discuss matters with is the Chair of Governors of the school. If you are not sure who this is, you can obtain the name and telephone number of the Chair either directly from the school or by contacting Governor and Management Support at Tameside Council (Tel: 0161 342 3206). At this stage of the procedure, you will be asked to put your concerns in writing if you have not already done so. The Chair of Governors will not interfere with the Headteacher's day to day management of the school, but will investigate whether your problem has been dealt with in an appropriate manner and report back to you as soon as possible.

**4. I've spoken to the Chair of Governors, but I'm still not happy. Is there anything more I can do?**

You are now reaching the stage where your original concern is turning into a complaint about the way matters have been dealt with by the school. If you wish to pursue this complaint, you have the opportunity of a formal hearing before a Complaints Panel of the Governing Body. Neither the Headteacher nor the Chair of Governors will be on this panel, which will normally consist of three governors appointed by the Governing Body as a whole. There are guidelines available about how such a hearing will be conducted, and what you can expect to happen as a result. These guidelines are described in a separate information leaflet, "Guidance for Parents on the Conduct of Governing Body Complaints Panel Hearings", which will be sent to you by the Chair of Governors if your complaint reaches this stage.

**5. The Governing Body Complaints Panel have not upheld my complaint. Is there anyone else I can refer the matter to?**

The Local Government Ombudsman investigates complaints about "maladministration" i.e. cases where the recognised complaints procedure has not been properly used. However the Ombudsman cannot investigate complaints about internal school matters and is not empowered to overturn the decision of a Governing Body Complaints Panel which has correctly followed procedures. If the Ombudsman decides to investigate your complaint, you could wait up to 6 months to

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hear the result of the investigation. A complaint form can be obtained from your local library or Citizen's Advice Bureau.

If you feel that the Governing Body have acted unreasonably or illegally in coming to their decision, you can complain to the Secretary of State for Education and Skills. If you feel this to be necessary, you will need to write to the Secretary of State, who will then investigate your complaint and let you know the result. However, you should be aware that such an investigation can take up to 6 months or more.

**Reference to the Local Government Ombudsman or the Secretary of State will only occur under very extreme circumstances.**

The vast majority of concerns and complaints will be dealt with by the staff and governors of the school. Please remember that they, like yourself, only want to achieve the best they can for the children in their care.

## **OTHER COMPLAINTS PROCEDURES**

In addition to this general complaints procedure, there are a number of other statutory procedures which relate to specific aspects of the education system. These may need to be followed if you have concerns about the following:

- (a) The school curriculum and related matters.
- (b) Admission of your child to school.
- (c) Exclusion of your child from school.
- (d) The assessment of your child's special educational needs.

If you require more information about any of these procedures, you should contact either the Headteacher of your child's school or Education Services at Tameside Council.

Most concerns that parents have on a day-to-day basis do not necessarily fit into one of these categories and the general procedure outlined above should therefore be followed. In any case, the general procedure can still be used to deal with concerns which fall within categories (a)-(d) until it becomes clear that recourse to the statutory procedure becomes necessary.

### **I'm still unsure what to do. Who can I turn to for help?**

If you are not sure what to do, or feel you would like some advice on how best to proceed, please contact the Headteacher of your child's school in the first instance. If you feel you would like to speak to someone who is not directly involved with the school, you can contact Governor and Management Support at Tameside Council (Tel: 0161 342 2208).

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## 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 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 ( and for staff members to follow the appropriate internal staff 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 email or telephone contact about a concern or complaint;
- Uses Freedom of Information requests excessively and unreasonably;

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- 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 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.
- Making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced.
- 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 Unreasonably Persistent Complaints / Harassment Policy;

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- 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 under confidential cover, care of the school. 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.

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