



CITY OF BIRMINGHAM EDUCATION DEPARTMENT

BASKERVILLE SCHOOL

Complaints Policy

Date reviewed: September 2017
Next review: September 2018

BASKERVILLE SCHOOL, FELLOWS LANE, HARBORNE, BIRMINGHAM, B17 9TS

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VISION STATEMENT

We will ensure the entitlement of each student to access a variety of opportunities to promote academic, social, emotional and physical development.

We will use autistic specific, empathetic approaches and an autistic sympathetic learning environment to promote student learning and personal development.

We will provide choices and challenges in order to maximise potential and build upon strengths and interests.

All the members of the school community are valued equally and work in partnership with parents, carers and the wider community.

We will work within a supportive school framework to promote and celebrate individual success, integration into the wider community and prepare students for life after school.

Introduction and Rationale

All the students at Baskerville School have an autistic spectrum condition; they have greater difficulty than other students with social understanding and communication. Therefore, it is essential that this policy be implemented consistently to support all students and maintain physical, social and emotional development. Many of the young people at Baskerville School find it easier to communicate through visual media than by verbal language. It is therefore important when reading through this policy to be aware of the student's complaints procedures that are written in accessible formats for the students.

All of the people who have contact with the school have a right to expect that the school will provide the best possible service for them.

For a whole variety of reasons, things can sometimes go wrong. Wherever possible the school will want to put things right and try to prevent the same type of problem arising again.

Sometimes young people and their families feel uncomfortable about complaining, but it is only by letting the school know that attempts can be made to put things right.

As a community school, the school's policy has to be in line with the Local Authority's policy for complaints. This policy should be used in conjunction with the Local Authority's advice and guidance and with the DfE School Complaints Toolkit 2014 and the Best Practice Advice for School Complaints Procedures 2016. Staff and parents should also be aware that the complaints procedure is identified in the school prospectus.

Categories of Complaint

In order to monitor complaints and assess whether or not the school is actually learning from them, it is hoped that the following might help. Any complaint is likely to fall into one of the following categories:

- **Transport** – Although the school is not directly responsible for the transport to and from Baskerville School, this issue generates a significant number of complaints.
- **Bullying** – We keep a close eye on bullying throughout the school, as Baskerville School is not immune from this problem.
- **Practice** – Perhaps the most common area for students and their parents to complain about is that of practice, e.g. ‘Why was this done to my child?’, ‘Why wasn’t I allowed to take cooking instead of design technology?’, ‘Why doesn’t my child have one to one support?’
- **Communication** – Complaints are often due to misunderstandings that arise from people not talking to each other or not being informed of things because someone else thought that the other person already knew.
- **Accommodation** – This covers issues such as the heating and hot water, or the state of the fabric of the school. The school wants to use these complaints as positively as possible in order to both improve the school and to provide evidence of need to outside sources of funding.
- **Food** – Perhaps the most important area for some of our residential students. If complaints and suggestions are not made, menus may not be changed.

Since 1 September 2003 governing bodies (GBs) of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, summarised in Annex A, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or someone representing an ex-student. The law also requires the procedure to be publicised.

The majority of issues raised by parents, the community or students, are concerns rather than complaints. Baskerville School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without the need for formal procedures. However, depending on the nature of the complaint, the complainant may wish or be asked to follow the school’s formal complaints procedure.

The prime aim of Baskerville School’s policy is to resolve the complaint as fairly and speedily as possible. All complaints will be dealt with in a sensitive, impartial and confidential manner.

Stages of Complaints

The following details outline the stages that can be used to resolve complaints:

- Stage 1 (informal): concern heard by an appropriate staff member;
- Stage 2 (formal): complaint heard by the Head Teacher;
- Stage 3 (formal): complaint heard by the Chair of Governors;
- Stage 4 (formal): complaint heard by GB's complaints appeal panel.

Stage 1 – Concern heard by staff member: Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with their child's class teacher. On some occasions the concern raised may require investigation or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the school within 10 school working days. Your complaint may then be taken to the next stage.

Stage 2 – Complaint heard by the Head Teacher: The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The Head Teacher will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following the investigation the Head Teacher will aim to provide a written response within 10 school working days of sending the acknowledgement. However if a complaint is more complex to review this can be extended to a maximum of 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. If you are not satisfied with the result at Stage 2, then please write to or call the school within 10 school working days of getting our response. The school will then take your complaint to the next stage.

Stage 3 – Complaint heard by the Chair of Governors: If the matter has not been resolved at Stage 2 or the complaint is about the Head Teacher, then you will need to write to the Chair of Governors c/o the school. The Chair of Governors will arrange for the complaint to be acknowledged within 5 school working days of receiving it and a meeting may be convened to discuss the matter further. Following an investigation, the Chair of Governors will aim to provide a written response within 10 school working days of sending out the acknowledgement. However if a complaint is more complex to review this can be extended to 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. If you are dissatisfied with the result at Stage 3, you will need to let the school know within 10 school working days of getting the response. The school will then take your complaint to the next stage.

Stage 4 – Complaint heard by Governing Body's Complaints Appeal Panel:
If the matter has still not been resolved at Stage 3, then you will need to write to the Clerk of Governors giving details of the complaint and asking that it is put before the appeal panel. As the Chair will have been involved at the previous stage in the process a nominated Governor, impartial to the complaint, will convene a complaints panel. The complaint will be acknowledged within 5 school working days of receiving it. The hearing will normally take place within 20 school working days of sending the acknowledgment. The aim of the Appeal panel hearing is to make sure that the procedures in Stages 1, 2 and 3 have been followed. All parties will be notified of the Panel's decision in writing

within 5 school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

Complaints Not Resolved by the School

The Governors' appeal hearing is the last school-based stage of the complaints process.

From 1 August 2012 complaints about maintained schools not resolved by the school should be addressed to the School Complaints unit (SCU), Department of Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD.

For further information and advice regarding this Model School's Complaints Policy please contact the School's Business Manager on 0121 427 3191.

How to Make a Complaint

Throughout the school and in particular in the residential department there are posters highlighting the right to make a complaint or a suggestion. If students prefer they can contact Child-line who is independent of the school and have a specific responsibility to follow up complaints. The school always prominently displays how they can be contacted by having posters by the side of the payphone and on notice boards in every residential unit.

As Baskerville School has so many adults involved with the students, it should be noted that the following staff have a specific role in dealing with complaints:

- **Teaching** - Form Tutor, Learning Support, Assistant Head Teacher or Head Teacher.
- **Residential Care** - Key Worker, Team Leader, or Head of Care.

Staff can also "whistle-blow" to identified independent or senior staff as outlined in the Whistle-Blowers' Policy.

Any complaint that is potentially a Child Protection issue must be reported immediately to the Head Teacher or the Police. These complaints are not investigated by the school but reported immediately to the Birmingham Safeguarding Board.

Reporting a Complaint

Some complaints are so serious that it would not be appropriate for the school to try to make things right without informing people outside of the school that there was a problem.

Under new laws that affect residential schools, serious complaints have to be reported to the **Local Authority** or the **Care Quality Commission**. The Local Authority can be contacted on the following number:

Local Education Authority - Schools Support Manager 0121 303 2337

Record Keeping

It is the school's policy to ensure that accurate records are kept. Notes of meetings held and of telephone conversations will be attached to the record.

Consideration will be given to recording conversations in situations where there are communication difficulties. (Permission must be sought from all parties involved.)

All stages of the process will be documented in a single file held centrally by the person designated as the complaints co-ordinator. (This is the Head Teacher at Baskerville School.)

All such records are subject to the Freedom of Information and Data Protection Acts. All content should therefore be factual and objective.

The aim of the school is to:

- 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;
- 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 of the School

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

- regularly communicate in writing on:
 - how and when problems can be raised with the school;
 - the existence of the school's complaints procedure, and
 - the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools;
- respond within the time set out in this policy;
- be available for consultation within time limits set out in this policy bearing in mind the needs of the students 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 to 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 expects parents/carers/members of the public who wish to raise problems with the school to:

- treat all school staff with courtesy and respect;
- respect the needs and well-being of students and staff in the school;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in school work and allow the school time to respond;
- recognise that resolving a specific problem may take some time;
- (in the case of a complaint) follow the school's Complaints Procedure.

Vexatious Complaints

- Very occasionally 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 on 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.
- There will be some complainants who are reluctant to accept the outcome of the process. In such cases the person should be encouraged to refer the matter to the Secretary of State. The Secretary of State's powers are delegated to the School Complaints Unit (SCU), Department for Education, 2nd floor, Piccadilly Gate, Manchester, M1 2WD. The SCU will only consider cases in which the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances. If it decides that a school has not followed its published procedures it has the powers to direct that the process is revisited.

Persistent 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 they consider to be within the remit of the school and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- using 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 Head Teacher 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, or fails to follow Local Authority procedures or the SEN Code of Practice.

Harassment

For the purpose of this policy, harassment is defined as the unreasonable pursuit of such actions as above in such a way that the complainant:

- appears to be targeting, over a significant period of time, one or more members of school staff and/or
- causes on-going distress to individual member(s) of school staff and/or
- has a significant adverse effect on the whole/parts of the school community and/or
- behaves 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 School's Actions in cases of Persistent or Vexatious Complaints or Harassment

In the first instance, the school will verbally inform the complainant that his / her behaviour is considered to be unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing (Model Letter 1).

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:

- inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2);
- inform the complainant that all meetings with a member of staff will be conducted with a second person or member of the Local Authority present and that notes of meetings may be taken in the interests of all parties (see Model Letter 2);

- inform the complainant that, except in emergencies, all routine communication between the complainant and the school should be by letter only (see Model Letter 2);
- (in the case of physical, or verbal aggression) take legal advice and consider warning the complainant about being banned from the school site, or proceed straight to a temporary ban;
- consider taking legal advice on pursuing a case under Anti-Harassment legislation;
- consider taking legal advice 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 Head Teacher but only with a third person to be identified by the governing body of the school, who will investigate and determine whether or not the concern / complaint is reasonable or vexatious and then advise the Head Teacher accordingly.

Thus, based on the above, 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 Vexatious Complaints and/or Harassment in Schools. However, the school will seek legal advice.

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 legal advice may be sought.

REVIEW

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

MODEL LETTER 1

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

RECORDED DELIVERY

Dear

This letter is to inform you that the school considers your actions in *[describe actions, dates, behaviour]* on when you to be unreasonable/unacceptable *[delete as appropriate]*.

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers *[delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls]*.

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure.

At the moment we are dealing with these issues by *[describe actions being taken to resolve concern]*.

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the School's Complaints Procedure;
- avoiding physical and verbal aggression at all times.

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the school;
- considering a ban from the school premises;
- considering legal action.

I would ask that you allow school time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

Head Teacher

MODEL LETTER 2

INFORMING A COMPAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/ HARASSMENT

RECORDED DELIVERY

Dear

You will recall that I wrote to you on *[insert date]* telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on *[date]*, when you *[describe actions/behaviour]* it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply from the date of this letter.

In the circumstances I have made the following arrangements for your future contact with the school: *[*Delete A or B as applicable]*

*A For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to at the school address; email correspondence will not be responded to;
- b) an appointment will be arranged and confirmed in writing as soon as possible;
- c) a third party from the school will be present;
- d) in the interests of all parties, formal notes of this meeting may be made.

*B For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by representing the school. I would ask you to note:

- a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to at the school address; email correspondence will not be responded to;
- b) an appointment will be arranged and confirmed in writing as soon as possible;
- c) a third party will be present;
- d) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving *[insert name of pupil]* – in which case you should contact the school in the usual way.

While these arrangements are in place, with respect to normal access to information available on parents' evenings, this will be provided in a summary written report.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and

any assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the school by *[state ten working days from the date of the letter]*. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Head Teacher