



NORTHENDEN COMMUNITY SCHOOL

POLICY DOCUMENT

HANDLING COMPLAINTS

MARCH 2019

Policy Title	Handling Complaints Policy
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NORTHENDEN COMMUNITY SCHOOL

POLICY : HANDLING CONCERNS AND COMPLAINTS (2019)

1. INTRODUCTION

1.1 SCHOOL VISION AND AIMS

Central to the work of the school are three main vision statements. These are:

- Respect for each other
- Quality and Success for All
- A Caring Community

The above three statements underpin all of the school's work and policies.

1.2 POLICY AIMS

This document makes clear the school's policy and procedures which aim to support the process of handling concerns and complaints raised by parents or any other person who may have cause to be concerned about the work of the school, its provision or services.

The policy specifically aims to make clear:

- the school's commitment to listening to concerns and complaints raised;
- the school's commitment to attempting to resolve issues;
- the school's commitment to reviewing and improving practice, where necessary;
- the school's commitment to an impartial and transparent process of considering complaints;
- the process the school will follow in considering concerns and complaints raised;
- the school's expectations of those who wish to raise concerns and complaints;
- the school's view of unreasonable and vexatious complaints.

1.3 POLICY OUTCOMES

The implementation of this policy is expected to achieve the following outcomes:

- high-quality provision at the school;
- high-quality performance by all staff and governors;
- parents and members of the community are assured that concerns and complaints will be heard, and considered respectfully and rigorously by staff and governors.e

1.4 LEGAL FRAMEWORK and GUIDANCE

In developing this policy, the school has made reference to the following:

- Section 29(1) Education Act 2002 (see below)
- Best practice guidance for school complaints procedures 2019

The Governing Body of a maintained school shall (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services, other than complaints falling to be dealt with in accordance with any procedure required to be established in relation to

the school by virtue of a statutory provision other than this section and (b) publicise the procedures so established. In establishing such procedures, the Governing shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

1.4.1 REGARD TO DfE GUIDANCE

In publishing this policy, the school has considered the non-statutory guidance and recommendations published by the Department for Education in January 2019. Whilst the DfE guidance suggests a 2-stage process where a formal complaint is considered at Stage 1 by the Headteacher and then at Stage 2 by a complaints panel of governors, the school has adopted a different approach and has maintained its 3-stage process whereby a complaint is considered at Stage 1 by the Headteacher, at Stage 2 by the Chair of Governors or an appointed governor, and then at Stage 3 by a panel of three governors (who are school governors or independent of the school). The 3-stage process has been used by the school for a number of years and has been successful in resolving complaints without the need for parents to request and attend a formal panel meeting which some do not wish to do. It also enables the school to respond to parents and give reassurance with governor involvement more swiftly at Stage 2 than it might, given the formality of a complaints panel meeting at Stage 3. This does not take away the right of the complainant to have their complaint heard at each stage of the process or to make a request for their complaint to be heard directly at Stage 3 instead of Stage 2.

1.5 SCOPE

This policy covers concerns and complaints raised by parents of the school, including former parents, and any other members of the public who may have due and legitimate cause to raise a concern or complaint about the school's provision, facilities or services. It does not cover:

- concerns and grievances raised by members of staff;
- concerns and issues raised by pupils;
- complaints that are dealt with under other statutory provisions, which may be the responsibility of the Local Authority, outside agency or other organisations, including:
 - school admissions;
 - statutory assessments of Special Education Needs;
 - school re-organisation proposals;
 - matters likely to require a Child Protection Investigation;
 - exclusion of children from school;
 - whistleblowing;
 - staff conduct;
 - complaints relating to services provided by external providers using school premises;
 - national curriculum content or statutory assessment arrangements;
 - the actions of external agencies, e.g. children's services, the police, health.

1.6 ANONYMOUS COMPLAINTS

The school will not normally consider complaints or concerns which are raised anonymously as it may be difficult to investigate the matter in a fair and robust way or seek further clarification of an issue. However, on receipt of an anonymous complaint, the Headteacher or Chair of Governors, will determine whether the complaint warrants any investigation, particularly if it affects the conduct of a member of staff or safeguarding.

2. PRINCIPLES

2.1 CONCERNS

A concern may be defined as an expression of worry, doubt or question over an issue for which reassurance or an answer may be sought. Parents who have a concern or questions about the provision for their child, or others with a legitimate interest in the quality of the school's provision, facilities or services, may raise a concern with the school at any time. A concern may relate to a child's progress, behaviour, curriculum provision, safety, wrap-around care or other matter, including the way in which the school is represented in the community, for example.

2.2 COMPLAINTS

A complaint is an expression or statement of dissatisfaction about actions which have been taken or not taken by the school or its staff. Parents, or other members of the public, who wish to voice dissatisfaction about the school's provision, facilities or services and seek a resolution, may do so via the informal (Section 4) or formal (Sections 5-9) complaints procedures set out in the remainder of this policy. Complaints may be raised and resolved informally or formally.

2.3 PRINCIPLES OF PUBLIC LIFE

The school, its staff and governors, aim to carry out their work, including the handling of complaints, with the seven Principles of Public Life in mind. These are:

- selflessness (acting solely in terms of the public interest);
- integrity (avoiding influence, personal, financial and material interest);
- objectivity (being impartial, fair and using best evidence without bias);
- accountability (open to scrutiny and questioning in the public interest);
- openness (being open and transparent);
- honesty (being truthful);
- leadership (demonstrating appropriate behaviours and challenge others).

2.4 EXPECTED BEHAVIOURS

In considering complaints, staff and governors will:

- aim to uphold the Principles of Public Life;
- maintain confidentiality;
- treat complainants and their family with respect.

The school expects parents and others raising complaints to:

- treat staff and governors with respect;
- refrain from using derogatory, disparaging, insulting, abusive or threatening language or behaviour towards members of staff or governors;
- refrain from publishing any complaints or comments on social media;
- enable the school to consider the complaint through the established procedures.

2.5 A STAGED PROCESS

This complaints policy exists to ensure a fair and thorough process for those who wish to make a formal complaint. The school respects the right of a complainant to have their complaint heard at each stage of the procedure, if necessary, and will not attempt to dissuade or otherwise try to prevent the complainant from pursuing a complaint through each stage of the procedure if they are not satisfied with the outcomes of a previous stage. Specifically ...

- Complainants will be expected to follow the staged process and to assist the school and its Governing Body in considering the complaint efficiently and objectively at each stage.
- The school will usually only consider complaints at a higher stage if the complaint has been considered and a response given at an earlier stage.
- The hearing of a complaint at Stage 3 is the final stage of and exhausts the complaints processes that can be managed by the school.
- Staff or governors considering the complaint should be able to do so fairly and without distraction or undue disruption or frustration at each stage of the procedure. This provision does not remove the right of a complainant to communicate their complaint to an outside authority or agency, particularly in the public interest, but rather enables the school to focus on completing a fair process before making a response to another body or being diverted from the procedure without due process having taken place. The Local Authority, Department for Education, members of parliament and OfSTED will expect the complaint to have been heard at all stages of the school's complaints procedure before it can normally be considered by an outside authority. The school may find it difficult to respond to requests for information from these bodies if matters have not been fully concluded by the school through its complaints process.

2.6 RESOLUTION AND CONCLUSION

The school hopes to be able to resolve all concerns and complaints via the informal or formal processes set out in this policy. At whatever stage the complaint is considered, the school will consider the complaint and the extent to which evidence supports the complaint and then

- uphold the whole complaint;
- uphold part of the complaint;
- dismiss the whole complaint.

In doing so, the school may also:

- provide an explanation of the school's actions;
- acknowledge that the school's practice could have been better;
- provide some assurance that the school will learn from the complaint, including summarising any actions which the school will take;
- undertake a review of any relevant school policies or procedures in light of the complaint;
- offer an explanation, apology or other resolution to the complainant.

2.7 UNREASONABLE OR VEXATIOUS COMPLAINTS

In considering a complaint or series of complaints from the same complainant about the same, related or different issues, the school will determine whether or not the complaint is potentially unreasonable, vexatious, frivolous or unmanageable. These are defined and covered in Section 12 of this policy. There will be occasions when, despite all stages of the complaints procedure having been followed or during any stage of the process, the complainant remains dissatisfied and continues to complain, either persistently or in an unreasonable manner. The school will then take actions to ensure that the complaints procedure has been followed robustly and to consider whether or not the complaint has become unreasonable or vexatious. Governors may decide at any point to determine whether or not aspects of complaint will be considered, the channels and quantity of communication that will be accepted and inform the complainant in writing of their decision.

2.8 NATURE OF COMPLAINTS

The school may find it difficult to consider any complaint which is not presented to the school in a fair and objective manner. It may be difficult for the school to consider a complaint where the issues presented:

- are not clear or specific and a line of inquiry cannot be determined;
- are based on incomplete information or lack of clarity about an issue or event;
- are based on feelings, hearsay, possibilities, rumour or views of other parents;
- bring together a number of issues at once, some of which may be historic and difficult to investigate given the passage of time;
- are part of any legal action taken by or against the school;
- are reported via social media or through the press rather than to the school;
- have been presented by the complainant in an aggressive or threatening manner;
- are part of a mass remonstrance rather than an objective complaint;
- aim to seek or rally the support of others (e.g. through petition or protest), including parents, who do not have a legitimate or collective complaint to make;
- are based on the outcomes of someone else's complaint or the outcomes of that complaint;
- are related to a local protest or campaign outside the school's authority or control;
- are personally insulting, abusive or threatening to any person, including staff, pupils, parents, governors or visitors to the school.

2.9 EXPECTATIONS OF COMPLAINANTS (BEHAVIOUR)

When raising a concern or complaint with members of staff at the school, we expect all complainants, including parents (and other family members) to approach and speak to members of staff in such a way that an appropriate, calm and professional conversation might take place, including, if needed, in an appropriate setting away from children and others, and that the member of staff might be given a chance to listen to the concern or complaint or information being shared, consider it, and offer an immediate response, if an immediate response is possible. It may not be possible for members of staff to respond to an inquiry or complaint straight away, particularly if more information regarding an incident, action or decision needs to be considered, clarified or investigated further. In these circumstances, the member of staff may offer to make a further appointment with the parent or follow up the concern or complaint by telephone. When raising an issue with members of staff, we ask parents not to:

- be abusive to members of staff;
- raise their voice;

- raise complaints in front of their children or other parents;
- be derogatory about any person at the school, including pupils or staff;
- undermine staff or the school in front of children or other parents;
- use offensive or abusive language.

The school does not tolerate abusive or aggressive behaviour towards members of staff. Any parent who is abusive to staff whilst making a verbal complaint will be asked to leave the premises and return at another time to have their complaint considered in an appropriate setting. The school also reserves the right to refuse to listen to a complaint if presented in an aggressive manner.

2.10 USE OF SOCIAL MEDIA

All complaints, inquiries, concerns, grumbles and grievances should be aired in an appropriate setting with the school. The school does not have access to social media accounts (e.g. Facebook, WhatsApp, Instagram) to respond to parents' general questions, grumbles or negative discussions about the school, particularly when what is posted about an issue or event is incorrect, inaccurate or unfair. The school would like an opportunity to consider and respond to all concerns and complaints in a fair and transparent process. Whilst we appreciate the right to parents' freedom of speech, parents are asked to appreciate that social media sites are not the best place to post general complaints and concerns about the school. Social media can be a forum where thoughts and anger are expressed in inappropriate ways, including insulting or undermining others, and where comments to other parents can fuel comments and responses, making a situation worse or placing an issue or complaint firmly in the public domain when it does not need to be. Often these are fuelled by emotions rather than facts.

The school treats all complaints and discussions with parents in confidence and we expect parents to do the same. The school will take action to address any comments placed on social media which it feels are unfair to the school or to members of staff, pupils, parents or other stakeholders. Parents should be aware that the school will take action to address any derogatory comments made by parents or pupils about members of staff or governors on social media. The school will also seek legal advice as it may be that comments shared in the public domain by parents are in breach of legislation which aims to protect individuals from defamation or malicious communications. A defamatory statement is one which would tend to lower the subject in the estimation of people. It may be considered unlawful to write something about a person online that:

- exposes that person to hatred, ridicule or contempt;
- causes him/her to be shunned or avoided;
- lowers his/her standing in the estimation of right-thinking members of society;
- disparages him/her in his/her business, trade or profession.

The Defamation Act 2013 says that an individual is guilty of an offence where he/she publishes a statement that causes, or is likely to cause, serious harm to the reputation of the claimant. It is possible therefore that derogatory, insulting or disparaging comments about staff made by parents or pupils on social media are covered by this legislation as they could potentially "lower the subject in the estimation of people" or "cause harm to their reputation."

Complainants, particularly parents, are therefore requested not to use social media to share issues or complaints about the school or its staff but instead raise them with the school directly so that they can be considered and resolved in a positive way.

2.11 POSITIVE FEEDBACK

In addition to hearing concerns and complaints, the school always welcomes positive feedback and praise about its work. Parents and members of the community are welcome to contact the school to give such feedback in person, by telephone, by email or in writing to the Headteacher or Chair of Governors.

2.12 TIMESCALES

2.12.1 Timescales for Receipt of Complaints

Whilst there is no legal time limit for the receipt of complaints, the school (and the Department for Education) consider that three months is an acceptable time frame to lodge a complaint about a specific issue or incident that has occurred. Where the issue has been ongoing for some time and is still a concern, there is no time limit. Additional time can be given in exceptional circumstances, including but not limited to consideration of human rights and equality law or circumstances which prevented a complainant from raising issues at an earlier time. Where a complaint relates to an incident, event or the conduct of a member of staff at a specific time and place, the school requests that complaints be lodged as soon as possible, preferably within 5-10 school days, so that matters can be investigated in a timely manner, avoiding the passage of time which may affect the reliability of any investigation, including persons' recollection of events or availability of other evidence. Unless there are exceptional reasons to do so, the school may not be able consider a complaint about a specific event or incident which occurred in excess of 20 days prior to the complaint being received.

2.12.2 Timescales for Response to Complaints

The school aims to respond to and consider complaints within a specific timeframe as follows:

- The school will aim to resolve concerns or informal complaints raised by parents within 5 working days, if an immediate response and resolutions cannot be offered;
- the school will aim to investigate and respond to Stage 1 complaints within 15 school days of the receipt of the complaint;
- the school will aim to consider and respond to Stage 2 complaints (review by a single governor) within 15 school days of the receipt of the request for a review at Stage 2;
- the school will aim to convene a panel of governors at Stage 3 within 20 school days of the receipt of a Stage 3 request and the panel will aim to respond in writing to the complainant within 10 working days of the date of the panel meeting.

It may be that timescales need to be extended. Where this is needed, a new timescale and the reasons for any extension will be communicated to the complainant.

2.13 LEARNING FROM CONCERNS AND COMPLAINTS

The school strives for its work to be of high quality. It will use the outcomes of any concerns and complaints raised by parents or members of the community to review and improve practice where appropriate. This may include changes to routines, policy or procedures or making improvements in the guidance and training given to staff.

3. CONCERNS AND MINOR ISSUES

3.1 RAISING CONCERNS

A concern can be raised in person, by telephone or in writing with:

- class teachers (for teaching matters, daily routines, behaviour);
- administrative staff (for administrative matters);
- the School Business Manager (premises, health and safety);
- the Deputy Headteacher/SENCO (staff, special educational needs);
- the Headteacher (all other matters, including staff).

3.2 SCHOOL RESPONSE

When listening to concerns, staff will:

- give time to hear the concern in an appropriate setting and at an appropriate time;
- consider the validity of the concern and any issues that can be resolved immediately;
- consider and offer an immediate response, if possible;
- ask for additional time to consider the concern or make a further appointment, if needed;
- respect the views of the individual and the concerns raised;
- consider an informed and objective, rather than a reactionary, defensive or adversarial response;
- seek advice or support from senior leaders, if needed;
- with honesty and integrity to the complainant;
- respect the confidentiality of pupils, staff and parents at the school, including refraining from any disclosure of personal information, other than which may relate to the complainant's own children;
- take any necessary action to resolve a concern or minor issue.
- offer an explanation, an apology or attempt to put right the issues raised by complainant;
- take any necessary action to resolve a concern or minor issue.

4. COMPLAINTS – INFORMAL PROCESS

4.1 MAKING AN INFORMAL COMPLAINT

The school hopes that parents or members of the public do not feel the need to raise formal complaints about the school's work, facilities or services. Teachers and other members of staff at the school strive to do their utmost to provide high-quality educational provision, and related services, for all children and their families and will want to consider and address issues raised with them as soon as possible. We aim to resolve matters raised through an open dialogue and good relationship with parents and others, and as quickly as possible. Many issues, particularly day-to-day or minor matters, can be resolved informally through discussion between those raising a complaint and the school. Informal complaints can be raised with:

- class teachers (for teaching matters, daily routines, behaviour);
- administrative staff (for administrative matters);
- the School Business Manager (premises, health and safety);
- the Deputy Headteacher/SENCO (staff, special educational needs);
- the Headteacher (all other matters, including staff).

4.2 SCHOOL RESPONSE

On receiving an informal complaint in person, by telephone or in writing, the member of staff will:

- arrange a time to meet the complainant, if necessary;
- seek to clarify the issues of the complaint;
- seek to clarify how the situation might be resolved for the complainant;
- consider an immediate response, if possible;
- be professional, fair, transparent and honest;
- respect confidentiality;
- aim to give reassurances, explanations or apologies verbally or in writing;
- discuss the matter with and seek the advice or support of the school's senior leaders;
- make a record of the complaint and how it has been resolved and submit this to the Headteacher.

5. COMPLAINTS – FORMAL PROCESS

Where parents and other members of the public do not feel that an informal process is appropriate or that informal processes and discussions to resolve an issue have been exhausted, a **formal complaint** can be raised with the school. Formal complaints are managed through a given procedure which has a number of stages. All formal complaints are considered by following the procedure in this policy.

5.1 RAISING A FORMAL COMPLAINT

Parents and others (including third parties representing a complainant where they have the consent of the complainant, perhaps as an advocate) can raise formal complaints with:

- the School Business Manager (facilities, premises, services, administration);
- the Deputy Headteacher/SENCO (teaching and learning, SEND);
- the Headteacher (staff conduct, serious incidents or unresolved issues);
- the Governing Body (not an individual governor, including parent governors).

This can be done in person (see below), by telephone (see below) or in writing (preferably using the complaints form), including by e-mail. In raising a complaint, the school asks complainants to:

- be clear about the issues, incidents or matters to be considered by the school;
- be clear about the dissatisfaction or questions to be raised about the school's practice or matters which have not been resolved through any informal process, if appropriate;
- be succinct, rather than anecdotal or rhetorical;
- provide clear and factual evidence, if available;
- suggest the actions that might resolve the matter to their satisfaction.

5.2 COMPLAINTS MADE IN PERSON OR BY TELEPHONE

Where formal complaints are given in person or by telephone, the school will need to make sure that there is an adequate written record or summary of the nature of the complaint. Where a meeting or the taking of minutes cannot be arranged, the appointed person handling the complaint will attempt to clarify the scope and nature of the complaint at the end of the telephone conversation or in writing, including by e-mail, by summarising the points to the complainant.

5.3 FORMAL STAGES

Formal complaints are considered via a staged process. There are three stages but the school hopes that the vast majority if not all complaints can be resolved satisfactorily at Stage 1. In the majority of cases, the school will begin a formal complaints process at Stage 1. However, there may be occasions when the complainant or the school feels that the process might be better considered at Stage 2. For example, if the complaint is about the conduct of the Headteacher, the formal process will begin at Stage 2 and will be considered by an appointed governor. At any stage of the procedure, the complainant or the school can request or suggest that the complaint be considered at the next stage.

6. STAGE 1 (Headteacher)

The school hopes to be able to resolve the vast majority, if not all, complaints at Stage 1. At Stage 1, complaints are considered by the Headteacher.

6.1 Stage 1 Process

At Stage 1 of the formal complaints process, the school will:

- consider the complaint and, if unclear, seek to clarify the issues raised with the complainant in person, by telephone or in writing, including by e-mail;
- determine which aspects of the complaint can be considered. It may be that aspects of the complaint;
 - can be resolved immediately and therefore answered in part without delay;
 - need a timescale to be considered;
 - are out of the scope of the complaints policy (e.g. it is not the responsibility or role of the school);
 - cannot be reasonably be considered or investigated, for example due to the passage of time or evidence not being available.
- communicate to the complainant in writing about which aspects of the complaint will be considered and investigated, giving reasons why other aspects of the complaint will not or cannot be considered;
- appoint a member of staff, if not the Headteacher, to investigate all or aspects of the complaint, this to include interviewing or discussing the issues raised with those involved, including any pupils and/or staff and/or reviewing any documentation, records and communication relating to events or issues raised leading up to the complaint;
- seek further clarification of the complaint or ask questions of the complainant to clarify issues which may be raised during the investigation;
- consult the school's Human Resources adviser, if appropriate;
- appoint a decision-maker (usually the Headteacher unless there are exceptional circumstances not to do) who will consider the outcomes of the investigation, make conclusions and communicate the outcomes (see below) in writing to the complainant;
- keep a record of the progress of the complaint, including dates and actions.

6.2 Stage 1 Outcomes

The written outcomes of a complaint considered at Stage 1 will include one or more of the following:

- a summary of each aspect of the complaint;
- a summary list of the ways in which matters have been investigated;
- a summary list of evidence which has been considered;
- a summary of the findings of the investigation based on the above processes, including those aspects of the complaint which will be upheld, partially upheld or dismissed;
- an explanation and/or apology, e.g. from a member of staff or the school;
- a summary of the recommendations made to staff or the actions to be taken by the school to improve policy and/or practice;
- the school's, headteacher's or governors' position with regard to any actions taken by the school;
- the options available to the complainant to discuss the outcomes with the Headteacher or escalate the complaint to Stage 2.

The outcomes communicated to the complainant will not include:

- any verbatim minutes or records of interviews with pupils or staff;
- any information regarding any objectives set for staff in the context of their performance management or meeting of professional standards;
- decisions made by the Governing Body to consider disciplinary action against members of staff;
- any personal information regarding pupils, other than the complainant's own children, including special educational needs, behaviour contracts, details of other parental involvement or support plans;
- any personal information regarding staff or governors, including any reasons for absence;
- any personal information which may contravene Data Protection law (GDPR);
- any advice received from external agencies, e.g. Human Resources adviser, legal practitioners or union representatives, to support the Headteacher or other members of staff in their investigations or decisions.

6.3 Sharing of Outcomes

The outcomes of all Stage 1 complaints will be shared with any staff or governors to whom the complaint relates before they are communicated in writing to the complainant. This is in the interests of ensuring that staff members or governors are afforded an opportunity to:

- understand and be fully aware of the response of the Headteacher or other decision-maker to the complainant;
- clarify or ask questions about the conclusions or response;
- prepare for any actions to be taken or apologies to be made;
- contribute to and agree any further actions which may help to resolve the situation;
- be prepared for a response from or future discussion with the complainant;
- prepare to restore or rebuild a relationship with the complainant, if necessary;
- seek professional advice, e.g. from their professional association;
- ensure that the professional reputation, where appropriate, of any staff members or governors are not undermined but that the response gives confidence and assurance to the complainant that changes in practice or behaviours have been considered;
- be advised of any actions to be taken with regard to future contact with the complainant;
- be advised of any steps which may follow the complaint resolution.

Outcomes may also be shared with, including for Quality Assurance purposes:

- another Senior Leader;
- the staff members' line manager;
- the school's Human Resources Adviser.

6.4 Stage 1 Complaints about the Headteacher

The Headteacher will normally consider all complaints about actions taken by members of staff. In the event of a complaint being made against the Headteacher, perhaps about an action or decision taken or not taken by the Headteacher, the Headteacher will be given an opportunity to respond to the complainant at Stage 1. This will, however, depend on the nature and complexity of the complaint and the views of the complainant. Both the Headteacher and the complainant have the option to have this considered at Stage 2 at which an appointed governor, usually the Chair of Governors, will be involved to consider the complaint. In making the decision to consider the complaint at Stage 2 rather than Stage 1, the complainant, Headteacher and Chair of Governors may take into account:

- the views of the complainant;
- the nature and complexity of the complaint;
- the matters to which the complaint relates and whether or not they can be resolved personally by the Headteacher;
- the views of the complainant about how the matter might be resolved, including whether or not they expect a response from the Headteacher in the first instance;
- whether an investigation of a specific matter (e.g. conduct) by a governor needs to take place;
- whether the complaint includes aspects of misconduct on behalf of the Headteacher.

The Headteacher and the appointed Governor (at Stage 2) will take one or more of the following actions;

- seek to resolve the matter with the complainant in an open and transparent manner;
- offer an explanation or reasons for the Headteacher's actions or decisions;
- seek the support of the school's Human Resources Adviser, if appropriate;
- offer to meet with the complainant, with or without an appointed governor;
- write a written response, reviewed and agreed by a governor;
- offer an apology and assurances for future practice, if appropriate;
- offer to the complainant that the complaint can be referred to Stage 2 at any time if they feel that the matter is not being addressed.

6.5 Stage 1 Timescales

- The school advises all complainants to make an informal or formal complaint to the school as soon as possible after any incident or event or concern that matters are not being addressed informally – this helps the school consider issues in a timely way and put matters right as soon as possible.
- The school will provide an acknowledgement, usually in writing, to a complaint within five school days of receipt of the complaint and if possible at this time, aim to resolve some aspects of the complaint and/or set out a timescale and actions that will be taken by the school to consider the complaint.
- A complaint received during the school holidays (or on the final day of any term) will

be considered to have been received on the first day of return after the school holidays. Complaints, unless of serious nature, will not normally be considered during the school holidays.

- The school will provide an estimate of the timescale within which a complaint will be considered and the outcomes communicated to the complainant. This timescale will depend on the complexity of the complaint and whether the school needs to seek external advice or support to investigate the matters raised by the complainant. All complaints at Stage 1 will usually, unless there are exceptional circumstances or complexities, be considered and outcomes reported within 15 school days following the receipt of the complaint. This timescale may need to be extended if the school needs to seek Human Resources or other external advice or the investigation process is likely to take senior leaders and other staff extensive time to complete given their other duties.

7. STAGE 2 (Appointed Governor)

Where a complainant feels that the school's response to a complaint considered at Stage 1 has not resolved the issue, they can request that the matter be considered at Stage 2.

7.1 Stage 2 Process

At Stage 2, the complaint will be considered by an appropriately-skilled member of the Governing Body. This may be the Chair of Governors, Vice-Chair of Governors or other governor who is drawn from governors who have no prior knowledge of the complaint and no conflicts of interest, including friendships or other relationships with the complainant.

7.2 Requesting Consideration at Stage 2

In requesting a review of the complaint at Stage 2, the complainant will need to communicate clearly in writing or in person (by appointment and with agreement that the meeting will be recorded by the taking of minutes, including by a third person) aspects of the complaint response from the school at Stage 1 which the respondent feels are unsatisfactory or do not attempt to resolve the issues raised in the original complaint. Complainants can contact the Chair of Governors via the school or dedicated email address. In doing the school asks complainants to:

- be clear about the specific matters which remain unresolved (not upheld) and the complainant would like to be considered by a governor (form available);
- avoid presenting any further evidence in relation to the original complaint unless there are exceptional and valid reasons to do so (where further evidence is presented this may have to be considered by the school at Stage 1 rather than Stage 2);
- avoid repeating the original complaint (it will be provided to the governor);
- avoid any form of vexatious, disruptive or other behaviour which may jeopardise a fair, objective, confidential and efficient process (see Section 14 of this policy).

7.3 School Actions

The appointed Governor will:

- consider only aspects of the original complaint which were not upheld at Stage 1 or matters which were upheld that do not seem to have been actioned or resolved by the school in a timely-enough manner;
- consider the nature and complexity of the complaint and whether the governor has the

skills or capacity to consider this in isolation. Where the Governor feels that the complaint is complex and cannot be considered in isolation, the Governor may consider escalating the complaint to Stage 3 so that it can be considered by a panel of governors (this will be explained to and agreed by the complainant);

- have access to all documentation regarding the complaint at Stage 1, including the original complaint, the record of the progress of the complaint, the written outcomes shared with the complainant and all records of investigations and interviews;
- determine which aspects of the complaint can be considered or investigated and communicate to the complainant any reasons why aspects of the complaint cannot be considered at Stage 2;
- decide whether or not any new evidence presented by the complainant should be considered separately at Stage 1 (by the Headteacher) or at Stage 2 (by the governor);
- not seek to investigate the original matter as would a member of school staff (this is not the role of governors) but take considered thought as to how the school should have reasonably considered and investigated the original complaint in line with their complaints policy and any other related procedures or policies;
- decide if any further evidence presented by the complainant should be considered;
- seek the advice and support of the school's Human Resources adviser, if appropriate;
- review the school's response to the complaint at Stage 1 to determine the extent to which:
 - all matters raised by the complainant that were in the scope of the complaints policy were considered by the school;
 - each aspect of the complaint was considered objectively by the school;
 - each aspect of the complaint was considered with a view to resolving the matters raised and taking action in the best interests of pupils or others at the school;
 - each aspect of the complaint was investigated and given due diligence as far as reasonably possible;
 - any timeframes which were set were adhered to and, where breached, whether there were reasons for this and reasonable explanations given for their extension;
 - aspects of the complaint which were not upheld were explained and that these explanations were objective and reasonable;
 - different options for redress and resolution were considered by the school;
 - the response of the school has in any way been adversarial, defensive, dishonest or not in the best interests of improving policy and practice;
 - the school's response and position with regard to the original complaint, could, in light of the evidence that was available at the time, be more objective or offer a better resolution.
- discuss the matter with and ask questions of the Headteacher and any other members of staff involved in the handling the complaint;
- consider meeting with the complainant, if needed, to clarify matters or ask questions;
- meet the complainant at their request;
- write a response to the complainant within the agreed timescale (not more than 10 days following the final meeting with the school or the complainant)

7.4 Stage 2 Outcomes

The written outcomes of a complaint considered at Stage 2 will include one or more of the following:

- a summary list of matters considered by the appointed governor;
- a summary of the findings of any review of the school's response to the original complaint, this to include aspects of the original complaint which were not upheld at Stage 1 which the governor feels:
 - were reasonably addressed by the school;
 - have been considered reasonably, objectively and to an extent that they should continue to be upheld in part or dismissed;
 - were investigated or considered thoroughly and, that given the evidence available, cannot be investigated further;
 - could be further clarified or explained by the school;
 - could be investigated or actioned further by the school;
 - could offer further assurance to the complainant or a period of monitoring or review;
 - could inform school improvement and practice, where this has not already been acknowledged at Stage 1;
 - have reached a stage where matters cannot be realistically be resolved;
 - should be considered at Stage 3 by a panel of governors.

The outcomes communicated to the complainant will not include:

- any verbatim minutes or records of interviews with staff;
- any information regarding any objectives set for staff in the context of their performance management or meeting of professional standards;
- decisions made by the Governing Body to consider disciplinary action against members of staff;
- any personal information regarding pupils, other than the complainant's own children, including special educational needs, behaviour contracts, details of parental involvement or support plans;
- any personal information regarding staff or governors, including any reasons for absence;
- any personal information which may contravene Data Protection law (GDPR);
- any advice received from external agencies, e.g. Human Resources adviser, legal practitioners or union representatives, to support the Headteacher or other members of staff in their investigations or decisions.

7.5 Sharing of Outcomes

The outcomes of all Stage 2 complaints will be shared with any staff to whom the complaint relates before they are communicated in writing to the complainant. This is in the interests of ensuring that staff members, the Headteacher or governors are afforded an opportunity to:

- clarify or ask questions about the conclusions or response of the governor;
- prepare for any actions to be taken or apologies to be made;
- contribute to and agree any further actions which may help to resolve the situation;
- be prepared for a response from or future discussion with the complainant;
- prepare to restore or rebuild a relationship with the complainant, if necessary;
- seek professional advice, e.g. from their professional association;
- ensure that the professional reputation, where appropriate, of the staff member or governor is not undermined but rather to give confidence and assurance to the

- complainant that changes in practice or behaviours have been considered;
- be advised of any actions to be taken with regard to future contact with the complainant;
- be advised of any steps which may follow the complaint resolution.

Outcomes may also be shared with, including for Quality Assurance purposes:

- the Headteacher;
- the school's Human Resources Adviser.

8. STAGE 3 (Panel of Governors)

Where a complainant feels that a complaint considered at Stage 1 and Stage 2 has not been resolved satisfactorily, they can request that the matter be considered at Stage 3. At Stage 3, the original complaint and the school's response to date will be considered by a panel of three governors who are not aware of, and have not been involved in, the complaint at any previous stage. This may include the Chair of Governors, Vice-Chair of Governors or other governors who are drawn from governors with the appropriate skills and availability. The panel will not include the Headteacher, staff governors or the governor appointed to review the complaint at Stage 2. However, the Headteacher and the governor appointed to review the complaint at Stage 2 may be called upon by the panel to give evidence of their actions and decisions at Stages 1 and 2.

8.1 Requesting consideration of the Complaint at Stage 3

In requesting that the complaint be considered at Stage 3, the complainant will need to communicate clearly in writing (form available) to the Chair of Governors aspects of the complaint response from the school at Stage 1 and Stage 2 which the respondent feels are unsatisfactory or do not attempt to resolve the issue. In doing the school asks complainants to:

- consider only those aspects of the complaint which have not previously been upheld or appear not to have been resolved or actioned by the school at a previous stage;
- consider carefully whether or not the school can realistically resolve aspects of the complaint, particularly if they are historical;
- be clear about the specific matters which remain unresolved;
- be clear about any dissatisfaction related to the handling of the complaint at earlier stages;
- avoid presenting any further evidence in relation to the original complaint unless there are exceptional and valid reasons to do so (this may need to be considered at Stage 1);
- state clearly any specific issues or concerns regarding the actions or decisions of members of staff or governors who have been involved in handling the complaint at a previous stage;
- be concise, avoiding speech-making or rhetoric questioning;
- avoid repeating the original complaint (all documentation will be provided to the panel);
- avoid any form of vexatious, disruptive or other behaviour which may jeopardise a fair, objective, confidential and efficient process (see Section 13)

8.2 Governing Body Action

On receipt of a request for a complaint to be heard at Stage 3, the Chair of Governors will:

- acknowledge receipt of the request from the complainant in writing within five school days;
- delegate the complaint to the Vice-Chair of Governors or other appointed governor if the Chair of Governors has already been involved in handling the complaint or has a conflict of interest;
- consider the involvement of individual governors in the previous stages and any conflicts of interest of other governors, and appoint three governors to form a panel, which may include the Chair of Governors, to consider the complaint;
- consider the appointment to the panel of a governor from another school, particularly if it is not possible to appoint three governors from the school in the interests of avoiding any appearance or question of bias;
- consider whether or any request from the complainant for the matter to be considered by an independent panel should be upheld and, if so, follow the procedures set out in Section 9.8 of this policy;
- arrange for the panel meetings to be arranged, convened and minutes taken by an independent clerk.

8.3 Panel Action

The Chair or Clerk of the Panel of Governors will:

- arrange for the panel to be chaired by one of the three appointed governors;
- request access to documentation relating to the complaint at earlier stages;
- not seek to investigate the original matter as would a member of school staff (this is not the role of governors) but take considered thought as to how the school should have reasonably considered and investigated the original complaint in line with their complaints policy and any other related procedures or policies;
- not consider aspects of the complaint which were upheld and resolved at an earlier stage;
- determine which aspects of the complaint can be considered or investigated and communicate to the complainant any reasons why aspects of the complaint cannot be considered;
- decide whether or not any new evidence presented by the complainant should be considered at Stage 3 (by the panel) or separately at Stage 1 (by the Headteacher or other person), giving school staff or others an opportunity to respond;
- seek the advice and support of the school's Human Resources adviser, if appropriate;
- determine if the written complaint and any supporting documentation from previous stages provide sufficient points or evidence to be considered;
- determine whether more information is needed from the complainant verbally or in writing before the panel meeting;
- arrange for a panel meeting to take place within 20 working days of the receipt of the Stage 3 complaint;
- arrange for a panel meeting to take place at a mutually-convenient time, giving, where possible, three options for meeting dates (where the three options are rejected by the complainant, the panel reserves the right to meet in the absence of the complainant);
- consider a neutral venue (rather than school) for the panel meeting to take place;
- arrange for a clerk to take minutes during the meeting;
- conduct the meeting as described in Section 9.4 below;
- decide whether or not the matter can realistically be resolved to the full satisfaction of the complainant;
- review the evidence of the school's response at Stage 1 and Stage 2 to determine the

extent to which:

- all matters raised in the original complaint that were in the scope of the complaints policy were considered by the school;
 - each aspect of the complaint was considered objectively;
 - each aspect of the complaint was considered with a view to resolving the matters raised and taking action in the best interests of pupils or others at the school;
 - any review of the complaint by an appointed governor at Stage 2 was undertaken objectively and whether the outcomes of that review should be upheld, partially upheld or given further consideration at Stage 3;
 - the governor who reviewed the complaint at Stage 2 considered all the evidence available, possible options of redress and made recommendations to the school;
 - each aspect of the complaint was investigated and given due diligence as far as reasonably possible;
 - any timeframes which were set were adhered to and, where breached, whether there were reasonable explanations given for their extension;
 - aspects of the complaint which were not upheld were explained and that these explanations were objective and reasonable;
 - different options for redress were considered by the school;
 - the response of the school has in any way been adversarial;
 - whether the school's position and decisions at Stage 1 or Stage 2 with regard to the complaint, could, in light of the evidence that was available at the time, be more objective or offer an improved resolution.
- decide, as a final outcome of the procedure, the position of the school with respect to each aspect of the complaint;
 - write a response to the complainant within the agreed timescale (this not more than 10 schools days following the panel meeting).

8.4 The Panel Meeting

The panel meeting will include:

- time at the outset of the meeting for the panel to meet together to:
 - review and clarify the complaint submitted at Stage 3 by the complainant;
 - provide an opportunity for panel members to clarify process and protocols;
 - review any documentation relating to decisions made and outcomes communicated to the complainant at Stage 1 or Stage 2;
 - prepare lines of inquiry and questions for the complainant, if needed;
 - prepare lines of inquiry and questions for school staff, if needed;
 - determine protocols for discussion and questioning;
- time to consider any written submissions from the complainant and/or the school;
- time to meet with the complainant to hear their complaint, particularly where this has not been submitted in writing, clarify points, ask questions, consider any further evidence, where appropriate, and determine the outcomes or resolution sought by the complainant;
- time to consider in private the evidence or points raised by the complainant and the extent to which further information is needed from school staff, including determining

- any further questions that need to be asked of staff;
- time to meet with the Headteacher, appointed governor (Stage 2) and any other school staff or witnesses who have been invited to and have agreed to attend the panel meeting;
- time to consider all of the information available and consider possible outcomes;
- time to determine the outcomes of the complaint at Stage 3 and draft the key outcomes of the written response to the complainant (this to be completed and sent to the complainant by the panel chair or clerk within 10 school days of the meeting, this dependent on the complexity and length of the complaint).

8.5 Written Submissions and Participation

Written Submissions

In preparing for the panel meeting, the Chair of the Panel should determine the scope of the complaint and whether any additional written information is required from the complainant or the school before the panel meeting. This will ensure that the panel has all of the information it needs before the meeting takes place and only then needs to seek clarification, explore specific points or ask questions during the panel meeting. The panel should request any written submissions at least 10 working days before the date of complaints panel meeting. Written submissions from the school will only be made available to the complaints panel and will not be shared with the complainant. It is for the complaints panel to determine objectively the extent to which written submissions provide evidence to substantiate the complaint. It is not for the complainant to scrutinise or question the written submissions provided by the school or for the school to question the written submissions of the complainants. This is for the panel consider. However, the panel will make either party aware of any allegations, defamatory or otherwise pejorative remarks which are included in any written submissions about either party.

8.5.1 Invitations to attend the Panel Meeting

The complainant and staff from the school who are the subject of or are involved in the handling of the original complaint will be invited to attend the panel meeting separately. Meetings are held separately to enable each party to present their case and answer questions freely and without interjection or judgement from other parties. It also avoids the need for parties to have to attend for the entirety of the panel meeting. Any party can decline the invitation to present information to or answer questions of the panel, particularly if they feel that the panel already has all of the information that needs to be considered from their viewpoint. However, declining an opportunity to clarify points or answer questions at the panel meeting may result in the panel not being able to make an objective or fully-informed decision regarding the complaint and may therefore having to uphold or dismiss aspects of the complaint without the benefit of additional evidence or questioning.

8.5.2 Other Participants

- Complainants and school staff have the right to be accompanied by one other adult whom may provide support or take notes of the discussion on behalf of the complainant. This person may also act as an advocate for the complainant, particularly if the complainant needs support in clarifying their viewpoints or position, perhaps because of their Special Educational Need, first language or other reason.
- The Complaints Panel may be supported by a representative from the school's Human Resources advisory team and/or a known or independent clerk for the Governing Body.
- Legal representation is not permitted at a complaints panel meeting as a Complaints

Panel meeting is not a legal process. Where there is a legal case submitted against the school, the complaints process may be halted until after any legal proceedings have been concluded.

- Staff members are permitted to be accompanied by a colleague or trade union representative.
- Members of the media or press are not permitted to attend complaints meeting of any kind and comments or opinion will not be shared with the press at any time.
- Observers, including other parents, are not permitted to attend complaints meetings.

The role of additional participants shall be limited to providing support and/or advice for the complainant or members of staff. They will not be permitted to submit evidence, share opinions of their own or ask questions of the panel.

8.6 Stage 3 Outcomes

The written outcomes of a complaint considered at Stage 3 will include one or more of the following:

- a written response provided within 10 days of the complaints panel meeting (this will depend on the length and complexity of the complaint and its outcomes);
- a summary list of matters considered by the panel of governors;
- a summary of the findings of any review of the school's response to the complaint at Stage 1 and Stage 2, this to include aspects of the original complaint and response which the panel of governors feels:
 - have been considered reasonably, objectively and to an extent that they should continue to be upheld;
 - any aspect of the complaint has been investigated or considered thoroughly and, that given the evidence available, cannot realistically be investigated further;
 - could be further clarified or explained by the school;
 - could be investigated further;
 - could offer further assurance to the complainant or period of monitoring or review;
 - could inform school improvement and practice, where this has not already been acknowledged;
 - have reached a stage where matters cannot be realistically be resolved;
- any aspects of the complaints which will continue to be dismissed and the reasons why;
- any aspects of the complaint which will now be partially upheld at the reasons why;
- any aspects of the complaint which will now be wholly upheld and the reasons why;
- a summary of actions to be considered by the leadership team of the school, including further redress, apology or suggested review of practice or policy;
- actions to be taken by the Governing Body in the future, e.g. developing clearer policy, monitoring aspects of the school's work or policy which relate to the complaint, including a report from the Headteacher on resolution of the issues or improvements made relating to the complaint at a future time;
- the final position of the Governing Body with regard to the complaint;
- a statement that the decisions and outcomes at Stage 3 are final and exhaust the school's consideration of the complaint;
- the options available to the complainant after Stage 3.

8.6.1 Sharing of Outcomes at Stage 3

The outcomes of all Stage 3 complaints will be shared with the Headteacher and other relevant members of staff before they are communicated in writing to the complainant. This is in the interests of ensuring that the Headteacher and other staff members are afforded an opportunity to:

- understand as a whole the response of the Governing Body panel;
- clarify or ask questions of the Governing Body's response, investigation or recommendations;
- prepare for any actions to be taken or apologies to be made;
- be prepared for a response from or future discussion with the complainant;
- prepare to restore or rebuild a relationship with the complainant, if necessary;
- contribute to and agree any further actions or recommendations which may help to resolve the situation;
- seek professional advice, e.g. from their professional association;
- be advised of any actions to be taken with regard to contact with the complainant;
- be advised of any steps which may follow the complaint resolution, e.g. disciplinary action

Outcomes may also be shared with:

- Chair of Governors;
- whole Governing Body;
- the school's Human Resources Adviser.

8.7 Final Outcomes

- The decisions reached by a panel of governors at Stage 3 are final and exhaust the complaints process that can be managed by the school. In attempting to resolve issues at Stage 3, the school hopes that a sufficient process has taken place to satisfy the complainant that the complaint has been considered with rigour and due process.
- It may be that the decisions reached by the school do not fully satisfy the complainant and that matters cannot be fully resolved or agreed. However, the school would then aim to monitor or at least be mindful of the issues raised by the complainant, particularly if a subsequent complaint was made about a similar issue. The school would also aim to ensure that positive, respectful and professional relationships between the school and the complainant are maintained or restored, if necessary, over time. This may be as a result of all parties swiftly 'moving on', 'building bridges' or, if necessary, as a result of mediation which may be requested by either party.

8.8 INDEPENDENT GOVERNORS OR PANEL

Governors wish to ensure that all complaints are heard fairly and without bias. Stage 3 complaints are normally considered by a panel of the school's governors who will have no prior knowledge or involvement with the complaint or a conflict of interest. Where, from the point of view of the complainant or the Governing Body, it is considered that a panel of three governors from the school cannot consider the matter without bias:

- the Governing Body can seek to appoint one or more governors from other schools to the panel;
- the Governing Body can seek to have the complaint heard at Stage 3 by a completely independent panel of governors from other schools;

- the Complainant can request that the complaint be heard at Stage 3 by a completely independent panel of governors from other schools or lay persons appointed by the Local Authority. Governors will then consider the basis of this request and whether or not the appearance or argument of bias is enough to taint the decisions reached and warrant granting the complainant a request for an independent panel.

Where an independent panel is appointed to consider the matter, this will normally be co-ordinated by the Local Authority's Governance Support Team. The school's governors may then not have any further involvement in the management of the complaint as this will be delegated to the Local Authority, the Chair of the appointed independent panel and the appointed clerk to the panel. The outcomes of any independent panel meeting will be shared with the Chair of Governors of the school.

9. STAGE 4 (Department for Education)

Anyone can raise a complaint about a maintained school to the Department for Education (DfE). In most cases, the DfE will expect that complaints will have been heard by the school at each stage of the complaints policy and other local complaints procedures first. The DfE's contact form clearly explains this and advises complainants to complete local procedures before submitting their complaint. The exceptions to this include are when:

- children are at risk of harm;
- children are at risk of missing education;
- a complainant is being prevented from having their complaint progress through the published complaints procedure;
- the DfE has evidence that the school is acting unlawfully or unreasonably.

Complaints can be submitted to the Department of Education at the following address:

School Complaints Unit
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

10. COMPLAINTS ABOUT GOVERNORS

- Complaints about individual governors (not including the Chair of Governors) should be sent to and will be considered by the Chair of Governors at Stage 1.
- Complaints about the Chair of Governors should be sent to the Clerk of Governing Body (via the school and marked 'Confidential') who will seek to appoint a governor to consider the complaint at Stage 1.
- Complaints about the entire Governing Body should be sent to the Clerk of the Governing Body who will share the complaint with the Chair of Governors. The Governing Body will appoint a governor to co-ordinate the response to the complaint at Stage 1. If this is not possible, then the Clerk to the Governing Body will seek to appoint an independent governor to review the complaint or form a panel of independent governors. The complaint will be shared with all governors so that they are aware of the complaint made against them.

11. RECORD KEEPING

The school will keep records of meetings and actions relating to the progress and handling of a complaint. These will include:

- a chronology of the progress of the complaint and its consideration;
- minutes or notes of any meetings between the complainant and the school;
- notes of any interviews with those involved in the complaint;
- any outcomes shared with the school or the complainant.

Complainants are advised to keep their own notes of meetings. Electronic recordings of conversations, discussion or meetings at any stage of the process are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and the consent of all parties attending must be sought before any meetings or conversations are recorded. Consent will be recorded in the minutes of any meetings.

12. CONFIDENTIALITY and PARENT GOVERNORS

All matters relating to complaints about the school are confidential and will only be shared with those to whom the complaint relates or those involved in handling the complaint, including one or more senior leaders. Whilst the school may disclose to governors that a complaint is being considered at Stage 1, the school will not share details of the complaint with governors in case any governors are asked to be involved at a later stage. Parent governors are asked to be cautious of listening to or considering complaints from parents given that this may affect their role (as a review governor at Stage 2 or panel member at Stage 3) at a later stage. Parent governors must advise parents and others to raise concerns and complaints via the school's complaints policy.

13. MANAGING UNREASONABLE AND VEXATIOUS COMPLAINTS

There will be occasions when, despite all stages of the complaints procedure having been followed or during the time at which the school is attempting to consider a complaint, the complainant

- continues to complain or contact the school about the same matter;
- does not follow the complaints procedure;
- attempts to dictate how the school should consider the complaint;
- complains to outside bodies before the school has been given an opportunity to consider the complaint at Stages 1 – 3 of the complaints procedure;
- is aggressive, disruptive or abusive;
- introduces other issues, opinions or matters at different times of the process;
- undermines the reputation of the school or professional reputation of staff working at the school;
- complains in such a way and at such length that is disproportionate to the original issues raised or complaint.

13.1 VEXATIOUS COMPLAINTS

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious complaints;
- insistence upon pursuing unrealistic outcomes beyond all reason;

- insistence upon pursuing complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress which are unreasonable or lack any serious purpose or value.

In determining whether or not a complaint might be vexatious or unreasonable, the school will determine the extent to which the complainant is:

- complaining frequently about a variety of different, sometimes relatively minor issues;
- using the complaints procedure to raise concerns which could be resolved informally;
- seeking unrealistic outcomes relative to the issue being raised;
- stating their intention to persist with a complaint until their desired outcome is achieved;
- not accepting the reasonable decisions and actions of the school in attempting to resolve the complaint or issue;
- attempting to dictate how the school is run or changes in policy;
- disrupting the work of the school;
- submitting complex complaints which are far removed from the initial concerns raised;
- behaving aggressively towards the school or members of staff;
- using an aggressive or passive-aggressive tone in their complaint;
- making unfounded suggestions about staff competency or professionalism;
- changing aspects of a complaint while the original complaint is being considered;
- insisting on the complaint being dealt with in ways which are incompatible with the published procedure;
- making groundless or frivolous complaints or suggestions about the school;
- seeking to have investigating staff or governors replaced;
- refusing to accept the information offered by the school for no justifiable reason;
- making statements the complainant knows are not true and cannot be substantiated or investigated by the school;
- expressing opinion, hearsay, gossip or matters not related to their own complaint;
- pressing for further investigation of matters which have already been addressed and for which no further investigation is required or would be appropriate;
- recording meetings and conversations electronically without the prior knowledge and consent of the other persons involved;
- persistent in sending communication which demand responses or seeking time with staff to pursue a complaint while it is being considered by the school in line with the complaints policy;
- refusing to accept that certain issues are not within the scope of the complaints procedure;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- publishes information about the complaint on social media or in the press.

13.2 School Response to Unreasonable and Vexatious Complaints

A vexatious or persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are seeking to challenge it at a higher stage of the school's complaints procedure. Where the Headteacher and an appointed Governor (or HR adviser) considers a complaint or the behaviour of a complainant to be vexatious, disruptive, abusive or nearing harassment, the Headteacher or Governor will write to the complainant to:

- establish a single point of contact;
- establish restrictions in terms of the frequency of communication;
- establish appropriate boundaries for communicating with the school, including use of appropriate language and tone;
- ask them to change their behaviour;
- remind them of the expectations of the school;
- remind them of the process which is being followed and any timescales to which the school is aiming to resolve the complaint;
- reiterate for a final time, if appropriate, that the complaint has been closed and will not be reconsidered.

13.2.1 Decision to Stop Responding

The school reserves the right to stop responding to complainants where it feels that the communication between the complainant and the school and the steps taken to respond to the complainant, including the stages of the complaints policy, have been exhausted. The decision to stop responding to a complainant will never be taken lightly and will only be done so when:

- the school has taken every reasonable step to address the complainant's concerns;
- the complainant has been given a clear statement of the school's position and the complainant's options;
- the complaint contacts the school repeatedly, making substantially the same points each time.

The case to stop responding will be stronger if the respondent:

- communicates in any way which is abusive or aggressive;
- makes insulting personal comments about or threats towards staff;
- is believed to be contacting the school with the intention of being disruptive or to cause an inconvenience for the school's leaders and governors.

13.2.2 Barring from school premises

In some cases, where a complainant is aggressive and abusive towards staff, the Headteacher has the power to ban the complainant from entering school premises. Although schools provide a public function, they are private places – the public has no automatic right of entry. Headteachers and governors are responsible for ensuring that the school remains a safe place for pupils, staff and other members of the community. If an individual's behaviour is a cause for concern, a headteacher can ask them to leave school premises. In some cases, individuals can be barred from entering the school premises for a period time and subject to review by the Governing Body.