



# COMPLAINTS POLICY & PROCEDURE

The Complaints Policy has been created to deal with any complaint against a member of staff, the school as a whole, or the Trust, relating to aspects of the school, the Trust or the provision of facilities or services.

This procedure follows the model policy set out by the Education and Skills Funding Agency.

|                       |                               |
|-----------------------|-------------------------------|
| Committee Responsible | Policy Approval Committee     |
| Lead Member           | CEO                           |
| Approved by           | Board of Trustees             |
| Date Approved         | 6 <sup>th</sup> November 2023 |
| Version               | 5                             |
| Review Date           | Autumn Term 2024              |



## Table of changes to this policy

| Page Number | Change   |
|-------------|--|
| 4           | Making clear the template complaint form must be used for any complaint (this was implied in previous policy but is set out clearly in this version).  |
| 6           | Setting out expectations of behaviour from people who raise a concern/complaint (this is an addition-not in previous policy)   |
| 6           | Stating that a head teacher may decide to ask another member of the school's Senior Leadership Team or another head teacher from a school in the trust, to act as investigating officer and investigate the complaint set out at Stage 2 (this was implied in previous policy but is set out clearly in this version).   |
| 7           | Stating that if the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor from the school, a governor from another school in the trust or a Headteacher from another school in the trust will be appointed to complete all the actions at Stage 2. (previously was only a skilled governor from the school)  |
| 8           | Stating that, as well as hearing from the complainant, the committee will hear from the person who carried out the investigation into the Stage 2 complaint and made the decision about the actions taken. As well as asking to hear from both sides, the committee will also ask questions at this meeting to ensure that they fully consider the complaint and any evidence provided. (this is an addition-not in previous policy)   |
| 10          | Clarifying that, in relation to complaints about the trust central team, the CEO will investigate and write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant. (this is an addition-not in previous policy) |
| 12          | Persistent/vexatious complaints-entirely new section as to how school/trust will respond   |

## **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to The Chelmsford Learning Partnership about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Chelmsford Learning Partnership takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **How to raise a concern or make a complaint**

A concern can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the head teacher) should be made in the first instance, to the Headteacher via the school office using the complaints form (which can be found at the end of this policy). Please mark them as Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to the Chair of Governors, via the school office using the complaints form at the back of this policy. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the Trust office (The Chelmsford Learning Partnership, Suite 78,

Waterhouse Business Centre, 2 Cromar Way, Chelmsford, CM1 2QE). Please mark them as Private and Confidential.

**In raising any complaint, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation, for example Citizens Advice, to help you.**

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Scope of this complaints procedure**

This procedure covers all complaints about any provision of community facilities or services by The Chelmsford Learning Partnership, other than complaints that are dealt with under other statutory procedures, including those listed below.

| <b>Exceptions</b>  | <b>Who to contact</b>   |
|--|---|
| Admissions to schools                                      | Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.   |
| Statutory Assessments of Special Educational Needs         | Concerns about statutory assessments of special educational needs should be raised directly with local authorities.   |
| Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.<br>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). LADO Tel: 03330139 797 |
| Exclusion of children from school*                         | Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-">www.gov.uk/school-</a>  |

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|--|---|
|  | <p><u>discipline-exclusions/exclusions.</u></p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>  |
| Whistleblowing   | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>We deem a whistle-blower to be someone with privileged knowledge. These may be:</p> <ul style="list-style-type: none"> <li>• Members of staff (eg teachers, principal, administration support employees)</li> <li>• Volunteers (eg trustees, governors)</li> </ul> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers who do not want to raise matters direct with their employer. Concerns can be raised with ESFA using our <a href="#">contact form</a></p> |
| Staff grievances   | Complaints from staff will be dealt with under the school's internal grievance procedures.  |
| Staff conduct  | Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.  |
| Complaints about services provided by other supplier who may use school premises or facilities | Complainants should follow the external provider's own complaints procedure for those hiring the academy facilities.  |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against The Chelmsford Learning Partnership in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### Resolving complaints

At each stage in the procedure, The Chelmsford Learning Partnership wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better

- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

The Chelmsford Learning Partnership expects parents/carers/members of the public who wish to raise a concern or a complaint to:

- treat all Academy staff with courtesy and respect;
- respect the needs and well-being of pupils and staff in our schools and in the trust;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- avoid making derogatory statements about individual members of staff or pupils in the school
- recognise the time constraints under which members of staff in our schools work and allow the school/trust a reasonable time to respond

### **Stage 1 – Informal complaints**

It is to be hoped that most concerns can be expressed and resolved on an informal basis. Concerns should be raised with either the class teacher, year head / subject head or head teacher. Complainants should not approach individual governors or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint. If the issue remains unresolved, the next step is to make a formal complaint.

### **Stage 2 – Formal complaints**

Formal complaints should be made in writing using the complaint form and returned to the appropriate person.

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. The head teacher may decide to ask another member of the school's Senior Leadership Team or another head teacher from a school in the trust, to act as investigating officer and investigate the complaint.

Within this response, the head teacher (or investigating officer) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The head teacher may delegate the investigation to an investigating officer (as detailed above) but not the decision to be taken.*

During the investigation, the head teacher (or investigating officer) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the head teacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school/The Chelmsford Learning Partnership will take to resolve the complaint. This could be to:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the head teacher will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor from the school, a governor from another school in the trust or a Headteacher from another school in the trust will be appointed to complete all the actions at Stage 2.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be investigated by the CEO of the Trust following the actions set out under Stage 2 in the procedure.

### Stage 3 – Complaint Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This independent panel member is likely to be an experienced governor/trustee from another school outside of The Chelmsford Learning Partnership. The other 2 panel members will be Trustees from the Chelmsford Learning Partnership. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk of the Board of Trustees, via the school office, within 5 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend.*

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 10 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. As well as



hearing from the complainant, the committee will hear from the person who carried out the investigation into the Stage 2 complaint and made the decision about the actions taken. As well as asking to hear from both sides, the committee will also ask questions at this meeting to ensure that they fully consider the complaint and any evidence provided.

**The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and The Chelmsford Learning Partnership with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Chelmsford Learning Partnership.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Chelmsford Learning Partnership will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

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| <b>Complaints escalated to / about the Trust central team, CEO or Trustee</b> |
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If a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated. This should be sent, using the complaints form to [admin@clptrust.com](mailto:admin@clptrust.com).

The CEO will investigate and write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 15 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

*NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 10 school days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a trustee of the Chelmsford Learning Partnership, nor will they be a governor at a CLP school or an employee of the trust. It is likely that the independent Complaint Panel member will be an experienced governor/trustee from another school outside of The Chelmsford Learning Partnership.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 15 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least <insert number> school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

**The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. As well as hearing from the complainant, the committee will hear from the person who carried out the investigation into the Stage 2 complaint and made the decision about the actions taken. As well as asking to hear from both sides, the committee will also ask questions at this meeting to ensure that they fully consider the complaint and any evidence provided.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and The Chelmsford learning Partnership with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Chelmsford Learning Partnership.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Chelmsford Learning Partnership will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

#### **Next Steps**

If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Chelmsford Learning Partnership. They will consider whether the school and/or Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

#### **Vexatious or Persistent Complaints**

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and/or the trust and directly or indirectly the overall well-being of the students or staff.

In these exceptional circumstances, the school/trust may take action. Raising legitimate concerns or criticisms of a complaints procedure as it progresses (for example in relation to timescales) does not make a complainant vexatious, and neither does a person seeking to challenge the outcome of a complaint that they are unhappy with. The vast majority of complaints, even those which are not upheld by the school or the trust, will not be defined as being vexatious.

The Chelmsford Learning Partnership expects parents/carers/members of the public who wish to raise a concern or a complaint to:

- treat all Academy staff with courtesy and respect;
- respect the needs and well-being of pupils and staff in our schools and in the trust;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- avoid making derogatory statements about individual members of staff or pupils in the school
- recognise the time constraints under which members of staff in our schools work and allow the school/trust a reasonable time to respond

A vexatious or persistent complainant is a parent/carer or member of the public, who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school/trust, and whose behaviour is unreasonable.

Such behaviour may be characterised by the following examples (which does not constitute an exhaustive list):

- frequently complaining about a variety of different things, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and /or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the school/trust frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the school/trust and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names; refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;

- using obscene, racist, or any other offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contact with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or persistently sending communications which demand responses, or making telephone calls seeking interviews with staff, after the school/trust has closed the investigation into a complaint and all rights of review and appeal have been exhausted;
- using Freedom of Information requests excessively and unreasonably;
- insistent on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school/trust to deal with such matters;
- insistent upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions outlined in the points above in such a way that they appear to be targeted over a significant period of time on one or more members of school/trust staff and/or cause ongoing distress to individual member(s) of school/trust staff and/or have a significant adverse effect on the whole/parts of the school/trust community and/or are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

### ***Dealing with vexatious/persistent complaints***

In the first instance the school/trust will verbally inform the complainant that their behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this part of the policy. This will be confirmed in writing.

The complainant concerned will then be given an opportunity to modify their behaviour.

If the behaviour of the complainant is not modified the school/trust 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/trust community:

- Withdraw contact with the complainant either in person, by telephone, by email, by letter or any combination of these, provided that at least one form of contact is maintained.
- To restrict contact to liaison through a designated member of staff only.
- Notify the complainant in writing that, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.

If the complainant does not comply with the request to change their conduct then a letter should be sent making clear that future correspondence will not be responded to, but that the school/trust will note any new concerns being raised and will appropriately investigate any that are considered to be of merit. This letter will come from the Chair/Vice Chair of Governors or, in the case of vexatious/persistent complaints to the trust, the Chair/Vice Chair of Trustees.

### ***Review Decisions and Withdrawing 'Persistent or Vexatious' Status.***

Once a complainant has been determined as persistent or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

A panel of 3 governors will review the decisions to categorise a complainant as persistent or vexatious every six months. In the case of vexatious/persistent complaints to the trust, a panel of 3 trustees will review decisions to categorise a complainant as persistent or vexatious every 6 months.

If the panel considers it appropriate to withdraw the status of persistent or vexatious complainant, normal contact with the complainant and application of the school/trust complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the Governance Professional who will hold and maintain a central register of such decisions.











# Complaint Form

Please complete and return to *either head teacher / Governance Professional/ designated governor* who will acknowledge receipt and explain what action will be taken.

|  |
|--|
| <b>Your name:</b>  |
| <b>Pupil's name (if relevant):</b>   |
| <b>Your relationship to the pupil (if relevant):</b>   |
| <b>Address:</b>  |
| <b>Postcode:</b>   |
| <b>Day time telephone number:</b>  |
| <b>Evening telephone number:</b>   |
| <b>Email address:</b>  |
| <b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b> |

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

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

**Date:**

## **Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator**

**(this could be the head teacher or CEO / designated complaints governor or trustee or other staff member providing administrative support)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trustees or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information

- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body / Trust Board**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

no governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.