School Complaints Policy



Version	Date	Author	Comments
1	Sep 25	R Kidd	Based on SCC Model Policy (HR)
2	Sep 26	R Kidd	Revised Sept 26

Date Approved:	Sep 26
Approved By:	CoG
Statutory Policy	Yes
Review Cycle	Annually

Contents

1 Who Can Make A Complaint?....3
2 The Difference Between A Concern And A Complaint....3
2.1 A concern....3
2.2 A complaint....3
3 How To Raise A Concern Or Make A Complaint....4
3.1 Anonymous Complaints....5
3.2 Vexatious and Unreasonable Complaints....5
3.3 Time Scales....5
3.4 Complaints Received Outside Of Term Time....5
4 Scope Of This Complaints Procedure....5
5 Resolving Concerns....8
5.1 Stage 1 – Informal....8
6 Resolving Concerns....9
6.1 Stage 3 – Formal: complaint letter to the headteacher....9
6.2 Withdrawal Of A Complaint....10
6.4 Stage 4 – Formal: complaint letter to Chair of Governors....11
7 Next Steps....12
Appendix 1 - Complaint form....18

This document contains both the school policy for dealing with complaints and then the procedure that should be followed when making one, from page 5 onwards.

School complaints policy

Westgate Community Primary (CP) School is committed to providing the best education for our young people and want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the procedure outlined here sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

1 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 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.

2 The Difference Between A Concern And A Complaint

2.1 A concern

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

2.2 A complaint

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. At Westgate CP School, we take all concerns and complaints 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.

3 How To Raise A Concern Or Make A Complaint

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

The different steps outlined below show the most appropriate ways to start the process, depending on the nature of the issue involved.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at later stages / Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the school office. 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.

For ease of use, 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 third party organisations like the 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.

3.1 Anonymous Complaints

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

3.2 Vexatious and Unreasonable Complaints

The majority of complaints are resolved through a properly managed complaints procedure.
However, there are occasions when:

- Despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue, the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed
- **Generative AI & Campaign Frameworks:** The school will not process complaints or repetitive correspondence mass-produced entirely via artificial intelligence (AI) software or automated templates. Where a complaint appears to be AI-generated or part of an automated 'complaint campaign' designed to overwhelm staff, the school reserves the right to request the complainant submit the grievance in their own words, detailing the specific impact on their child.
- **Social Media Restrictions:** Complaints are handled with strict confidentiality. Complainants must not publish details of an ongoing complaint, investigation, or dispute on public platforms, including local social media groups, forums, or online boards. Naming or targeting school staff or governors online undermines our legal duty of care. If a complainant engages in public online campaigns regarding an active dispute, the school may pause the complaints procedure, limit communication to a single point of contact (the Clerk), or seek legal advice.
- Complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with appendix 3.

3.3 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.

3.4 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.

4 Scope Of This Complaints Procedure

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

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Suffolk County Council.
• 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. 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 and MASH
• Suspension /Exclusion of children from school*	Further information about raising concerns regarding suspensions can be found at GOV.UK School Discipline and Exclusions **Complaints about the application of the behaviour policy can be made through the school's complaints procedure.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made online via the official GOV.UK Contact DfE portal. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• 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 providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

• Data Protection, Subject Access Requests (SARs), and Privacy Disputes	Complaints regarding how the school handles personal data, or disputes regarding the processing of a Subject Access Request, are strictly excluded from this general complaints policy. These must be directed to the school's Data Protection Officer (DPO) via the school office and will be handled under our dedicated Data Protection Complaints Procedure.
• National Curriculum - content	Complaints regarding the delivery of curriculum content should be submitted to the school headteacher. If unresolved, complaints can be escalated to the DfE via the GOV.UK Contact Form.

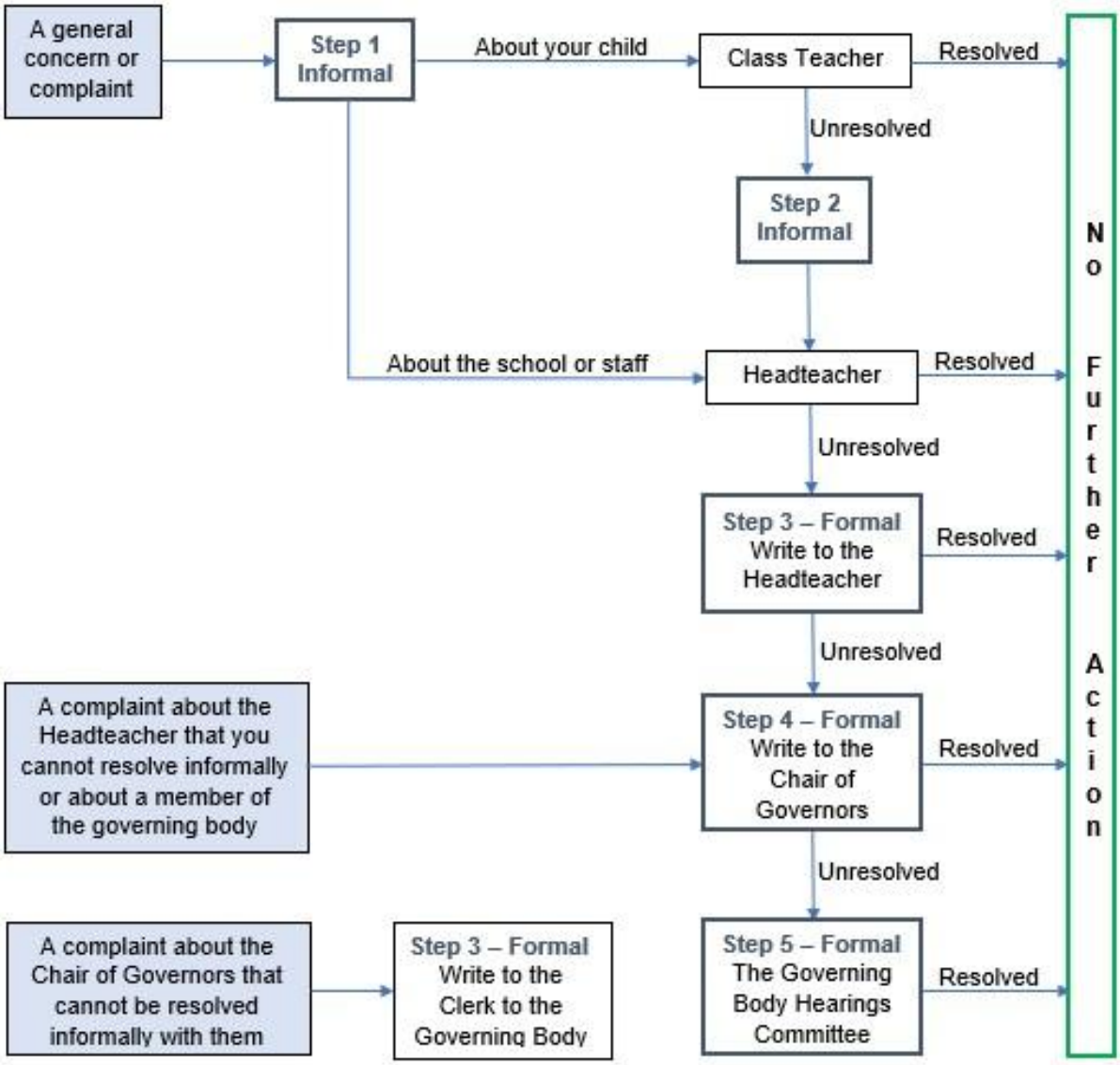
If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed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

If a complainant commences legal action against Westgate CP School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

School Complaints Procedure

The flowchart below details the procedure and different steps involved in the complaints process. The boxes on the left indicate the type of concern or complaint that someone might have. It is important that complainants follow the different steps in order, as the school will endeavour to resolve all complaints informally in the first instance.

Each step in the process is covered in more detail on the following pages.



5 Resolving Concerns

5.1 Stage 1 – Informal

Please start by telling the class teacher about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the class teacher to make a brief written record of the concern raised and any actions agreed.

5.2 Stage 2 – Informal: Escalation

If you feel dissatisfied with the outcome of discussions with the class teacher, please ask for an appointment to meet with the Phase Lead, Deputy Headteacher or Headteacher.

- The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher so far and any actions arising from the initial meeting.
- It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, it may be that the nominated staff member will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.
- It is good practice for the nominated staff member to make a brief written record of the concern discussed and what has been agreed and to write to parents summarising this.

It is hoped that most problems will have been resolved at this stage through the informal process.

6 Resolving Concerns

6.1 Stage 3 – Formal: complaint letter to the headteacher

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further, you may raise it through the formal procedure.

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form Appendix 2), or by telephone. Your letter should set out clearly the concern which has previously been discussed and why you feel the issue is unresolved. It is also useful in you can set out in the letter what resolution you are seeking.

Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships, everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.

The headteacher 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 headteacher will consider the complaint and in doing so should:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet or contact you if they need further information
- Clarify what you feel would put things right if this has not been set out in your letter

- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct any interview with an open mind and be prepared to persist in the questioning;
- Keep notes of any interview for the record.

The Headteacher will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology
- An explanation
  - An admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
- An assurance that 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 policies in light of the complaint.

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The headteacher will discuss the outcome of their consideration of your complaint with you and should send a detailed written response within 20 school days. Where this proves unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3 – see below.

6.2 Withdrawal Of A Complaint

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

6.3 Concerns or complaints specifically about the headteacher, an individual governor or the chair of governors

Where you are unhappy about the decision the headteacher has made about your complaint, this does not become a complaint about the headteacher. However, if the complaint is about the conduct of the headteacher and you feel that it has not been resolved at the informal stage, then you should move directly to step 4 of the procedure and write to the chair of governors.

A complaint that is specifically about the conduct of an individual governor, and which has not been resolved at the informal stage, should also proceed directly to step 4 and be made by writing to the chair of governors.

A complaint about the conduct of the chair of governors of the school, which has not been resolved at the informal stage, will need to be dealt with initially by the clerk to the governing body, who will advise the governing body on how to proceed. The clerk can be contacted via the school office.
The recipient's response will include options if the complaint is unresolved which might involve moving to Stage 5, the Governing Body's Complaints Appeal Panel.

6.4 Stage 4 – Formal: complaint letter to Chair of Governors

If you are not satisfied with the response of the headteacher or you have a concern or complaint that is specifically about the headteacher and which has not been resolved at the informal stage, then you must write a formal letter of complaint to the chair of governors. The school will provide you with the chair of governors' name and you should write to them at the school address, marking the correspondence 'urgent, private and confidential'.

The chair of governors should acknowledge receipt of the letter within 5 school days and, in the case of maintained schools, contact the strategic officer at the local authority for advice.

For complaints specifically about the headteacher, the chair of governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator and for the process set out in step 3 to be followed.

6.5 Stage 5 – Formal: Governing Body Hearing

If you remain dissatisfied, you may ask for your complaint to be heard by the Hearings Committee of the school's governing body - a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure. This is a specific committee of the governing body set up for this purpose and is sometimes referred to as the Complaints Appeal Panel.

You can do this by putting your request in writing to the chair of governors, via the school office, within 5 days of the headteacher response. The Chair 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 chair of governors, or if the chair has been involved at any previous stage in the process, a nominated governor, will then make arrangements to convene a hearing in accordance with the protocol set out in Appendix 1.

On conclusion of the governing body hearing, the committee's decision is regarded as final and all steps within the school's complaints procedure are exhausted.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along 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.

7 Next Steps

Finally, if on conclusion of this procedure you feel that the school's governing body has acted unreasonably, you may make a complaint in writing to the Secretary of State for Education.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether Westgate CP School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education

- Online
  www.education.gov.uk / contactus
- Telephone
  0370 000 2288
- Writing
  Department for Education, Piccadilly Gate, Store Street, Manchester
  M1 2WD.

Appendix 1 - Protocol for complaint heard by governing body's Hearing's Committee (Complaints Appeal Panel)

On conclusion of the formal steps, complainants can ask for their complaint to be heard by a committee of the governing body by writing to the chair of governors via the school, marking the correspondence 'urgent, private and confidential'.

Then the chair of governors or, if the chair has been involved at any previous stage in the process, a nominated governor, will make arrangements to convene a meeting of the governing body's Complaints Appeal Panel.

The governors' hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint where the complaint is substantiated and may proceed to action being taken under formal procedures.

The governing body may nominate a number of members with delegated powers to hear complaints and set out its terms of reference. These can include:

- Drawing up and reviewing its procedures;
- Hearing individual complaints;
- Making recommendations on policy as a result of complaints.

The remit of the Hearings Committee (Complaints Appeal Panel) in relation to complaints:
The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on the Hearing Committee (Complaints Appeal Panel) needs to be mindful of:

a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. Therefore, no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
b) The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Hearings Committee chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher 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

The Complaints Co-ordinator could be the headteacher or designated complaints governor 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, headteacher, chair of governors, clerk and las (if appropriate) 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.

The role of the chair of the governing body (or a nominated governor)

- Check that the correct procedure has been followed;

- If a hearing is requested, co-ordinate with the clerk to the governing body to ensure arrangements have been made to convene the panel.

The role of the clerk

It is strongly recommended that any panel of governors considering complaints is professionally clerked.

The clerk will:

- Set the date, time and venue of the hearing, ensuring that dates are convenient, as far as practicable, to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties at least five school days in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Make a written record of the proceedings
- Notify all parties of the panel's decision.

The role of the committee member

Committee members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so.
- No governor 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.

The role of the chair of the committee

The chair of the committee has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents and others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties. If a new issue arises all parties should be given the opportunity to consider and comment on it.

The procedure for the hearing

1) The complainant may make an oral statement as part of the presentation of his/her complaint and may call witnesses to supplement the written complaint. The complainant is asked to notify the clerk of any witnesses to be called in advance of the hearing and establish the relevance of their evidence to the complaint under consideration. It will be the responsibility of the complainant to make contact with any witnesses they wish to call, once the relevance of their evidence has been established, and to notify them of the date, time and venue of the meeting.
2) Witnesses are only required to attend for the part of the hearing in which they give their evidence.
3) The headteacher will have the opportunity to ask questions of the complainant and any witnesses. The panel may also ask questions.
4) The headteacher may make an oral statement about the complaint and as part of his/her presentation may call witnesses. The headteacher is asked to notify the clerk of any witnesses to be called in advance of the hearing and establish the relevance of their evidence to the complaint under consideration.
5) The complainant will have the opportunity to ask questions of the headteacher and any witnesses. The committee members may also ask questions.
6) In cases where a formal complaint has been considered by the chair of governors under step 4 of the procedure, or has been investigated by an independent investigator, the chair of governors/investigator may make an oral statement and be asked questions.
7) When the chair is satisfied that all issues raised by the complainant have been clarified for the benefit of all parties, he/she will invite the headteacher and the complainant to make final statements about the complaint if they so wish.
8) Either party may request an adjournment of the hearing at any stage and this may be allowed on the grounds that further inquiries are necessary, but it should also be borne in mind that a speedy resolution of the complaint is usually desirable and advantageous.

9) All parties to the hearing will then withdraw. The Hearings Committee, advised by the clerk, will then deliberate. If it is necessary to recall either party or any witnesses to assist with clarifying any particular point of uncertainty, this may only be done with both parties present.

Notification of the committee's decision

The chair of the Hearings Committee needs to ensure that the complainant is notified of the panel's decision in writing, including the reasons for the decision. This will usually be within five school days, unless there are exceptional circumstances which prevent this, in which case the complainant will be notified of this and the reason for delay.

The committee's decision is to be regarded as final and the complainant will be advised of any further recourse available should he or she be dissatisfied with the outcome, such as to the Secretary of State.

Appendix 1 - Complaint form

Please complete and return to……..who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Telephone Number:**
Please give details of your complaint: **What action, if any, have you already taken to try and resolve your complaint? Who did you speak to and what was the response?**

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 whom:** **Complaint referred to:** **Date:**

Appendix 2 - Policy for dealing with persistent or vexatious complaints / harassment in school

The headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the school's complaints procedure. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances, the school may take action in accordance with this policy.

Aims of policy

The aims of this policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint
- Support the well-being of students, staff and everyone else who has legitimate interest in the work of the school, including governors and parents
- Deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

Human rights

In implementing this policy, the school will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

Parents' expectations of the school

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

a) Regularly communicate to parents/carers in writing:
   (i) how and when problems can be raised with the school,
   (ii) the existence of the school's complaints procedure, and
   (iii) the existence of the policy for dealing with persistent or vexatious complaints and/or harassment in Schools
b) Respond within a reasonable time
c) Be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint
d) Respond with courtesy and respect

e) Attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice, and in line with guidance and advice from the local authority
f) Keep complainants informed of progress towards a resolution of the issues raised

The school's expectations of parents/carers and members of the public

The school can expect parents/carers/members of the public who wish to raise problems with the school to:

a) Treat all school staff with courtesy and respect
b) Respect the needs and well-being of pupils and staff in the school
c) Avoid any use, or threatened use, of violence to people or property
d) Avoid any aggression or verbal abuse
e) Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond
f) Recognise that resolving a specific problem can sometimes take some time
g) Follow the School's Complaints Procedure (in the case of a complaint)

Who is a persistent complainant and what is a persistent or vexatious complaint?

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school and whose behaviour is unreasonable. Such behaviour may be characterised by:

a) Actions which are obsessive, persistent, harassing, prolific, repetitious
b) Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
c) An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
d) An insistence upon pursuing complaints in an unreasonable manner
e) An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of school staff and/or
- Cause ongoing distress to individual member(s) of school staff and/or
- Have a significant adverse effect on the whole/parts of the school 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.

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 and/or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress that lack any serious purpose or value
- Schools should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

The school's potential actions

- In the first instance, the school will verbally inform the complaint that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.
- This will be confirmed in writing (model letter 1).
- If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:
  a) inform the complaint in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see model letter 2)
  b) inform the complaint that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see model letter 2)
  c) inform the complainant that, except in emergencies, all routine communication with the complaint to the school should be by letter only (see model letter 2)
  d) (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban. (Advice is available from the relevant strategic manager)
  e) consider taking advice from the local authority on pursuing a case under anti- harassment legislation

Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances, advice may be sought from the local authority.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the local authority.

When the school will stop responding

The decision to stop responding will never be taken lightly but may be implemented if:

- 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 their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding will be stronger if:

- Letters, emails or telephone calls are often or always abusive or aggressive
- They make insulting personal comments about or threats towards staff
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience

The school will not stop responding just because an individual is difficult to deal with or asks complex questions.

Barring from school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Headteachers and governing bodies therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, they can be asked to leave school premises. In some cases, individuals can be barred from entering school premises. The school will always give the individual the opportunity to formally express their views on a decision to bar.

The headteacher's decision to bar will then be reviewed by the chair of governors. They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- How long the bar will be in place
- When the decision will be reviewed

Once the school's appeal process has been completed, individuals who remain barred may be able to apply to the courts for a review of the school's decision. Individuals wishing to exercise this option should seek independent legal advice.

Review of sanctions

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

Model letter 1: Initial letter Informing a complainant that their behaviour is considered to fall below a reasonable/acceptable standard

RECORDED DELIVERY

Dear XXXXX,

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

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

We are aware that you have raised some concerns and would advise you that these are usually dealt with most effectively through the school's complaints procedure.

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

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

- Behaving reasonably
- Treating others with courtesy and respect
- Resolving complaints using the school's complaints procedure
- Avoiding physical and verbal aggression at all times

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

- Making special arrangements for meetings and communication with the School
- Considering a ban from the school premises
- Considering legal action

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

Yours sincerely

Headteacher

Model letter 2: Informing a complainant that their behaviour is now considered to fall under the terms of the Policy for Dealing with Persistent or Vexatious Complaints

RECORDED DELIVERY

Dear XXXX,

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

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

In the circumstances I have made the following arrangements for your future contact with the school:

*[*Delete as applicable]*

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

(a) An appointment will be arranged and confirmed in writing as soon as possible;
(b) A third party from the school will be present;
(c) In the interests of all parties, formal notes of this meeting may be made.

* For the foreseeable future, all routine communication with the school should be by letter only. Please address letters to The Headteacher at the School. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving [*insert name of student*] – in which case you should contact the school in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the school present.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the school by [*state ten working days from the date of the letter*]. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review the circumstances of your case.

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

Yours sincerely,

Headteacher