Sir John Nelthorpe School

Complaints Policy & Procedure

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Complaints Policy and Procedure

Introduction

Good relationships between schools, families and communities are important in supporting pupils to succeed, in terms of their social and emotional well-being and meeting or exceeding their predicted outcomes in academic achievement.

One mechanism for building good relationships is to encourage feedback on the services that the school/academy provides. Feedback can help to improve and develop practices and services provided by school. Encouraging feedback is one way to show those who work in partnership with schools that their views are valued.

Occasionally, feedback on difficulties and challenges that arise will be received and these will need to be addressed to ensure that the supportive partnership continues. In many cases issues can be resolved informally. However, where there is an issue that cannot be concluded informally a formal procedure is required that will attempt to resolve and reconcile all parties concerned. Any person, including any parent /carer or member of the public can make a complaint.

What is a Complaint?

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

Schools need to be clear about the difference between a concern (managed at the informal stage) and a complaint. Many issues can be resolved informally, without the need to follow formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

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

General Principles

There is a duty on Schools to have in place a complaints procedure. (*Section 29 of the Education Act 2002*). *Best practice Advice for School Complaints Procedures 2020* was utilised in the creation of this policy.

Complaints Received Outside of Term Time

Complaints received outside of term time will be considered as received on the first school day after the holiday period.

This procedure is intended to apply to **general** complaints that are received by school. However, some complaints are subject to statutory procedures.

These complaints are:

Delivery of the National Curriculum, Religious Education or Collective Worship (maintained schools)	Governors agreed complaints procedure applies but complainant has further right to approach the LA or DfE. Complaints about the content of the national curriculum should be sent to the DfE using their contact form
Complaint by Member of Staff *	Grievance procedure - adopted by school
Capability Issues *	Capability procedure - adopted by school
Pupil Exclusion *	Pupil Discipline procedure - DfE Guidance www.gov.uk/school-discipline-exclusions/exclusions *complaints about the application of the behaviour policy can be made through the school's complaints procedure
Admissions to Schools Statutory assessments of Special Educational Needs School Re-organisation Proposals	Concerns about admissions, statutory assessments of Special Educational Needs (maintained schools only), or school re-organisation proposals (maintained schools only) should be raised with North Lincolnshire 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 Children's Multi-Agency Resilience and Safeguarding Board (CMARS). **lado@northlincs.gov.uk**
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors
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
Staff Conduct Complaints	Complaints about staff are dealt with under the school's/academy's internal disciplinary procedures, if appropriate Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint, however, you should notify complainants that the matter is being addressed

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on the 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 the 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.

*In schools where the Governing Body is the employer (Foundation, Voluntary Aided and Trust schools) complaints relating to * should be addressed to the school's Governing Body.*

In dealing with any complaints:

- any procedure should aim to balance the rights and responsibilities of pupils, parents and school staff and to recognise that responsibilities rest with each of these
- the procedure should be easily accessible and well publicised
- it should be impartial and non-adversarial
- the procedure should have established time limits for action and keeping people informed
- confidentiality must be maintained at all times although all parties will need to accept that some information may need to be shared if the complaint is to be fully investigated
- a complaint is not part of any staff disciplinary process and staff who may be interviewed as part of the investigation must be treated fairly and have an opportunity to state their case. Staff should be offered support in dealing with any investigation into a complaint
- any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response as a result of the investigation. Any disciplinary procedures that may arise from the investigation will be dealt with separately under the school's disciplinary procedure
- a complaint about a member of the Governing Body will be dealt with under the Dealing with Complaints against Governors policy

Resolving Complaints

At each stage of the procedure schools should ask for ways in which a complaint can be resolved. Good practice shows that meeting with the complainant at the earliest stage helps to resolve concerns and prevents the need for formal resolution. 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 (an admission that the school could have handled the situation better is not the same as an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint.

Withdrawal of a Complaint

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

Stage One - Informal Concerns

1.1 Any parent/carer/or member of the public who has a concern should make contact with the appropriate member of staff who should clarify the nature of the concern/complaint and reassure them that the school wants to hear about it. This would usually be the teacher or may be the Headteacher. If the member of staff cannot deal with the matter immediately, they should make a clear note of the date, name and contact details of the complainant and agree a convenient time to make contact.

1.2 The member of staff should record details of the concern and try to identify what action/outcome the parent/carer is looking for. *(A sample recording form is in Appendix A – this is provided as an electronic form on SJN Google Drive – Useful Sites).*

1.3 If no satisfactory solution has been found **within 10 school days** the complainant should be

advised of any escalation options at each stage of the procedure - for example, when communicating the outcome of the Stage 1 process, include the details of the Stage 2 process. If the complainant wishes to go to Stage 2 and the matter has previously been dealt with by a teacher/ member of staff then the next stage, Stage 2, should be dealt with by the Headteacher. If the informal stage was dealt with by the Headteacher the Stage 2 contact should be the Chair of Governors.

Stage Two - Formal Consideration by Headteacher or Chair of Governors (please ask Governor Services for their Investigation Protocol)

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

2.1 It should be the aim of all concerned to reach an agreed solution to the problem at this stage for the good of the child, parents/carer/complainant and the school.

2.2 Stage 2 complaints should be made in writing where possible *(Appendix B – Form can be completed as an electronic google form if preferred)* although, in line with the Equalities Act, access arrangements should be made to allow a complaint to be made depending on their circumstances. The complaint should be made within **2 months** (the DfE recommend 3 but this is not a must) of the incident occurring, to be considered. Complaints made after this time may be considered in exceptional circumstances.

2.3 The complaint should be acknowledged **within 5 school days of receipt**. The written acknowledgement should give a brief explanation of the school's General Complaints Procedure / direct the complainant to the policy on the website and a target date for providing a response to the complaint. This will normally be **within 15 school days**. If this proves impossible, communication will be sent explaining the reason for the delay and giving a revised target date. Where the complaint at Stage 2 is against the Headteacher the investigation should be conducted by a single governor (usually the Chair of Governors or the Vice Chair).

2.4 It should be made clear in the acknowledgement that the substance of the complaint will be shared with any staff implicated and some information will be shared, when necessary, with other parties as part of the investigation process.

2.5 The Headteacher/Principal (or Governor) should provide an opportunity for the complainant to provide any further information relevant to the complaint. Good practice would be to arrange to have a telephone or in person conversation with the complainant. Depending on the reason for the complaint, statements from witnesses may be required. The Headteacher/Principal (or Governor) should keep written records of meetings, telephone conversations and other documentation used as part of the investigation. It should be explained to complainants that the school will only consider recordings of conversations or meetings if there is signed consent from all participants of the conversation/meeting.

2.6 If the complaint centres on a pupil/student, the pupil/student **may** also be interviewed. It is good practice that, when pupils/students are interviewed in a formal situation, the children's parents are present. If this is not possible then a member of staff who is known and trusted by the pupil/student should be invited to attend.

2.7 When all the relevant facts have been established, the Headteacher/Principal (or Governor) should produce a written response to the complainant. The written response should include a full explanation of the outcome and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. The complainant should be advised that if they wish to take the matter further, they should request to go to Stage 3 by notifying the Governance Professional or Chair of the Governing Body via the school office **within 10 school days** of receiving the outcome letter. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Before progressing the complaint to Stage 3, it would normally be expected that the complainant has:

- sought to resolve the concern/complaint through approaches to the school/academy as described in Stages 1 and 2
- allowed reasonable time for investigation of the concern
- accepted any reasonable offer by the school/academy to discuss the result of the investigation
- taken part in any process of mediation offered by the school/academy
- made the initial complaint within two months of the incident occurring

Stage Three - Referral to the Complaints Committee of the Governing Body

3.1.1 Complaints rarely reach this stage, but Governing Bodies should be prepared to deal with them when necessary. The Governance Professional will record the date that the request to go to Stage 3 is received and acknowledge receipt of the complaint (by email) within **5 school days.**

3.1.2 The Governance Professional 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 2 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

3.1.3 If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional 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.

3.1.4 As this may be the last chance for a solution or compromise to be reached, every effort should be made to reach agreement through reconciliation or mediation.

3.1.5 All Complaint Appeals should be received in writing, wherever possible, subject to Equality considerations.

3.1.6 It is important that the Complaints Committee views the complaint as being against the school/academy rather than an individual staff member whose actions may have led to the original complaint.

Stage Three Procedure

Option One - Investigation by the Complaints Committee

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed:

3.2.1 The Governance Professional should write to the complainant to acknowledge receipt of the written request **within 5 school days**. The acknowledgement should inform the complainant that a meeting of the Governing Body's Complaints Committee would be convened, to hear the complaint **within 15 school days** and should request copies of any further written materials to be submitted to them with a deadline date. Any written materials 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.

3.2.2 The Governance Professional should convene a meeting of a Complaints Panel within the agreed timescale. The panel should consist of at least three governors who have not previously been involved in dealing with the complaint, in the case of an academy one member of the panel should be independent to the management and running of the school. The Headteacher/Principal should not be a member of the panel.

3.2.3 The Governance Professional should be responsible for making all the arrangements for the meeting, including the time and place. The complainant, Headteacher/Principal, any relevant witnesses and members of the Complaints Panel should be informed **at least 5 school days** in advance of the date, time and place of the meeting. The notification to the complainant should also inform them of their right to be accompanied to the meeting by a friend/advocate/interpreter. Generally, it is not encouraged that either party bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. Representatives from the media are not permitted to attend. The letter should also explain how the meeting would be conducted (model meeting procedure at Appendix C(i).

3.2.4 The Headteacher/Principal/Chair should be invited to attend the Complaints Panel meeting and to prepare a written report for the Panel in response to the complaint. If the complaint is about the Headteacher/Principal, it will be the Chair who will respond to the complaint. Any relevant documents, including the Headteacher's/Principal's/Chair's report, and any documentation supplied by the complainant should be received by all concerned, including the complainant, **at least 5 school days** prior to the meeting. The committee should elect a Chair for the meeting. The Governing Body should have regard to the need for diversity on the panel ensuring representation for the need of the complaint where possible. The meeting should be appropriately minuted.

3.2.5 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school/academy and the complainant. The Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names of everyone present and have the procedure explained to them at the beginning of the meeting.

3.2.6 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.

3.2.7 The meeting should allow:

- The complainant to explain their complaint/s and the Headteacher/Chair of Governors to explain the school's/academy's response.

- The complainant to question the Headteacher/ Chair of Governors and/or other members of staff about the school's/academy's response, and the Headteacher/ Chair to question the complainant about the complaint.

- Panel members to have an opportunity to question the complainant, the Headteacher and any witnesses, as appropriate.

- Final statements by both the Headteacher/Principal/ Chair of Governors and the complainant. (*Procedure for Complaint Hearing Appendix C*)

3.2.8 The Chair of the Panel should explain to the complainant and the Headteacher/Principal that the Panel will now consider its decision, and that a written decision will be sent to all parties **within 5 school days**. The complainant, Headteacher/Principal and other members of staff and witnesses should leave the meeting.

3.2.9 The Panel should then consider the complaint and all the evidence presented in the presence of the Governance Professional. The committee can, by majority decision:

- 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/academy's systems or procedures to prevent similar issues in the future (Recommendations should be reported to the Governing Body at an appropriate time)

3.2.10 The Governance Professional to the Governing Body should send the complainant, the Headteacher/Principal and Chair of Governors a letter outlining the decision of the committee **within 5 school days** of the meeting.

3.2.11 Copies of all correspondence should be kept on file in the Governors records. These records should be kept separately from pupil's personal records.

Option Two - Investigation by an Independent Person on behalf of the Governing Body (please ask Governor Services for their Investigation Protocol)

3.3 There may be occasions when the Governing Body of a school/academy will ask (or be advised to ask) an independent person to investigate a complaint on their behalf.

3.3.1 The Governance Professional would organise for an Independent Person to carry out the investigation on behalf of the Governing Body.

3.3.2 The investigation will be carried out within an agreed timescale (normally **25 school days**). The aim of the investigation should be to establish all the facts, with the goal that the complaint be resolved and reconciliation achieved between the school/academy and the complainant.

3.3.3 The complainant and the Headteacher/Principal/Chair of Governors will be given an opportunity to make representations to the Investigating Officer. It will not be possible to introduce new evidence at this stage of the proceedings. Depending on the reason for the complaint, statements from witnesses may be required.

3.3.4 The Independent Person will prepare a written report to the Complaints Panel of the Governing Body on the outcome of the investigation.

3.3.5 The Governance Professional should convene a meeting of a Complaints Panel **within 15 school days**. The panel should consist of at least three governors who have not previously been involved in dealing with the complaint. In the case of an academy one member of the panel should be independent to the management and running of the school. The Headteacher should not be a member of the panel.

3.3.6 The Governance Professional would ensure that all parties receive an invitation to the complaints panel including date, time and venue and send copies of the procedure for the meeting (model meeting procedure at Appendix C(ii) and the Investigator's report to all parties **at least 5 school days prior** to the meeting. The Complaints Panel will be convened in the same way as it would be if it was considering the complaint, to consider the report. The meeting should be appropriately minuted.

3.3.7 At the meeting the Panel should consider the complaint and the report presented by the Independent Person. **As no further evidence can be presented** at this stage the Headteacher/Principal/Chair of Governors and Complainant are there as observers and for verification purposes only.

3.3.8 The Chair of the Panel should explain to the complainant and the Headteacher/Principal that the Panel will now consider its response, and that a written response will be sent to both parties **within 5 school days**. The Complainant and Headteacher/Principal should then be asked to leave. The process should continue as per the Complaints Panel procedure - 3.2.9, in that the committee can, by majority decision:

- 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 (Recommendations should be reported to the Governing Body at an appropriate time)

3.3.9 The Governance Professional should send the complainant, the Headteacher/Principal and Chair of Governors and, where relevant, the person complained about a written statement outlining the decision of the committee **within 5 school days** of the meeting.

3.3.10 Copies of all correspondence should be kept on file in the Governors' records. These records should be kept separately from a pupil's personal records if the complaint centred around a specific pupil or pupils.

Further Action

Stage Four – Secretary of State (via the Department for Education) for maintained schools and academies

If the complainant believes the school/academy 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 Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the 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 at: Complain about a school to the Department for Education - GOV.UK
by telephone: 0370 000 2288
or by writing to:
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Unreasonably Persistent or Vexatious Complainants

The great majority of people with complaints or concerns about the school/academy behave reasonably in pursuing their complaint. This means that they:

- treat all school/academy staff with courtesy and respect
- respect the needs of pupils and staff within the school/academy
- avoid the use of violence (including threats of violence) towards people and property
- recognise the time constraints under which members of staff work and allow the school/academy a reasonable time to respond to a complaint
- recognise that resolving a specific problem can sometimes take some time
- follow the school's/academy's complaints procedures

However, a small number of complainants may be deemed "**unreasonably persistent or vexatious complainants"**. This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing meritorious complaints in an unreasonable manner.

A model procedure for identifying and responding to such complainants is attached as Appendix D.

Parent Support

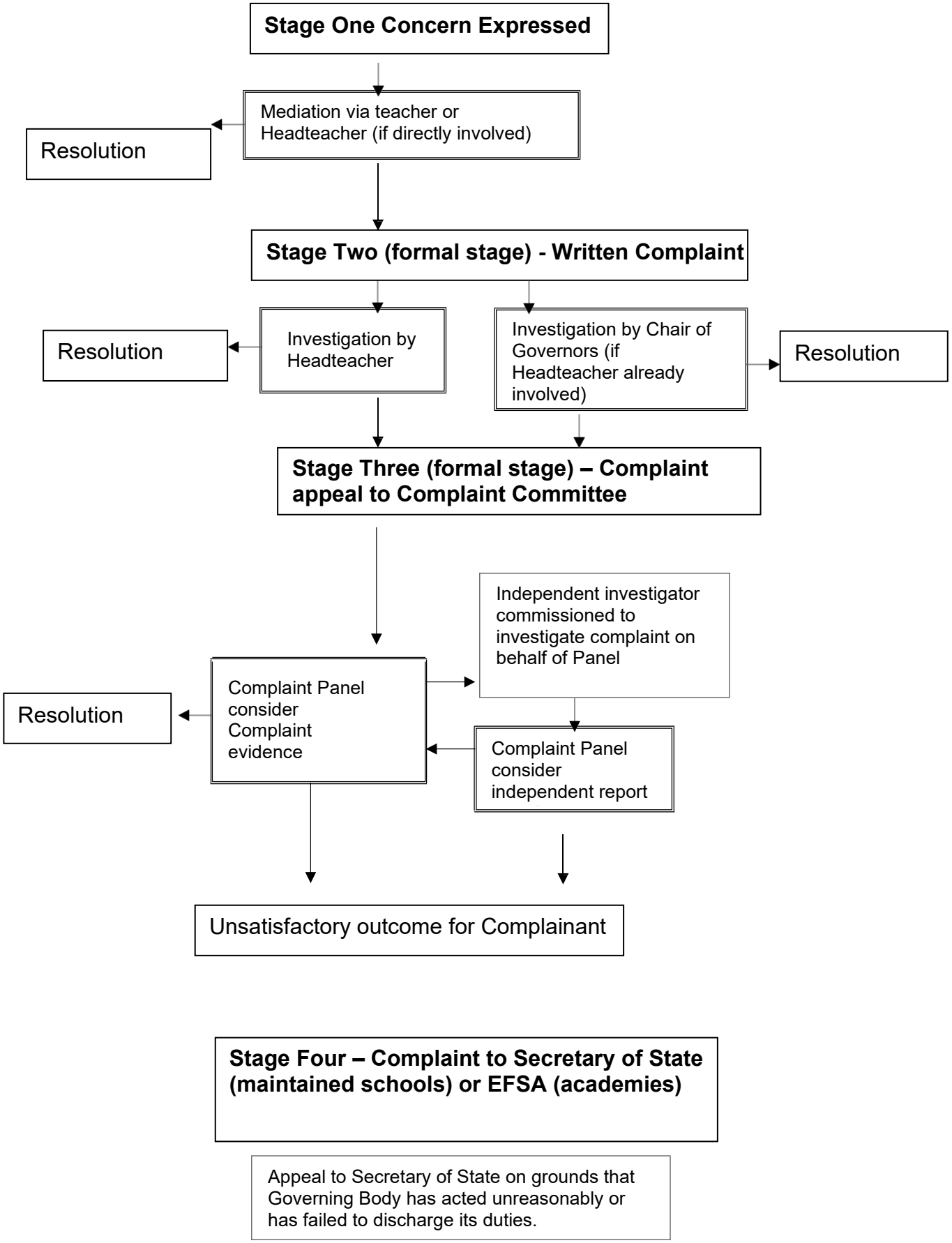
Free and independent advice for Parents is available through the Advisory Centre for Education (ACE). ACE is a National Charity which aims to provide the information, support and high-quality advice that parents need to help their children at school/academy, particularly where there are problems.

Telephone: 020 7697 1140
Freephone Advice Line: 0808 800 5793
Exclusions Information Line: 0808 800 0327
Email: enquiries@ace-ed.org.uk
Website: www.ace-ed.org.uk

Free and independent advice for Parents is also available through the Corum Children's Legal Service.

https://www.childrenslegalcentre.com/get-legal-advice/education/

COMPLAINTS PROCESS



APPENDIX A

INITIAL SCHOOL RECORD OF COMPLAINT

School	
Name of Complainant	
Childs Name (if relevant and relationship to the child)	
Date of Contact with School	
Nature of Complaint:	
Actions Taken:	
□ □ □ □ □	
Signature	**Date**

APPENDIX B

COMPLAINANT FORM
LINK TO GOOGLE FORM

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening 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? (required)

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

Signature:

Date:

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to: Date:

A Model Procedure for the Conduct of a Complaint Hearing at Stage Three being heard through Option One

Procedure for a Complaints Hearing

1. Election of chair – pre meeting.
2. Complainant and representative, Headteacher and Chair (if applicable) invited into the room.
3. Welcome and introductions by the Chair of the panel.
4. Declarations of Interest – Panel to confirm to all parties they have no prior knowledge or involvement with the complaint and can hear the case impartially.
5. Complainant is invited to explain their complaint.
6. Questions invited from the Headteacher, Chair (if applicable) and governors on matters of fact.
7. (if applicable) Witnesses for the complainant invited into the meeting and questions invited from the Headteacher, Chair (if applicable) and governors on matters of fact, after which the witness(es) would leave the meeting.
8. The Headteacher is invited to present their report and explain the school's/academy's actions.
9. Questions invited from the complainant and the governors on matters of fact.
10. The Chair (if applicable) is invited to present their report and explain the actions taken.
11. Questions invited from the complainant and the governors on matters of fact.
12. (if applicable) Witnesses for the Headteacher/Chair of Governors invited into the meeting and questions invited from the complainant, and governors on matters of fact, after which the witness(es) would leave the meeting.
13. Opportunity for complainant to make final statement.
14. Opportunity for Headteacher to make a final statement.
15. Opportunity for Chair (if applicable) to make a final statement.
16. Withdrawal by the Headteacher, Chair of governors (if applicable) and complainant while governors consider the matter.
17. Consideration of the matter by the governors in the presence of the Governance Professional. In the event any further information is required from any of the persons who have left the meeting, then all such persons should return to the meeting when such information is being obtained. An opportunity will be given to each party to question or comment upon this additional information.
18. The Complainant, Headteacher and Chair (if applicable) will be informed in writing of the panel's decision with **5 school days.**
19. There is no appeal mechanism following the governors' decision.

APPENDIX C(ii)

A Model Procedure for the Conduct of a Complaint Hearing at Stage Three being heard through Option Two

As this complaint has been independently investigated the procedure for the meeting differs to that of other stage three panel meetings in that the governors only consider the reports provided by the Independent Investigator and ask any questions of the Independent Investigator – all other parties are there to observe the process for verification only

1. Election of chair – pre meeting.

2. Investigator, Complainant and representative, Headteacher and Chair (if applicable) invited into the room.

3. Welcome and introductions by the Chair of the panel.

4. Declarations of Interest – Panel to confirm to all parties they have no prior knowledge or involvement with the complaint and can hear the case impartially.

5. Governors' consideration of the reports circulated from the Independent Investigator.

6. Questions of the Investigator from the governors only on matters of fact.

7. Opportunity for the Investigator to make a final statement.

8. Withdrawal by the Investigator, Complainant and Representative, Headteacher and Chair (if applicable) while governors consider the matter.

9. Consideration of the matter by the governors in the presence of the Governance Professional. In the event any further information is required from any of the persons who have left the meeting, then all such persons should return to the meeting when such information is being obtained. An opportunity will be given to each party to question or comment upon this additional information.

10. The Complainant, Investigator, Headteacher and Chair (if applicable) will be informed in writing of the panel's decision with **5 school days.**

11. There is no appeal mechanism following the governors' decision.

APPENDIX D

Procedure for Dealing with Unreasonably Persistent or Vexatious Complainants

Introduction

1. The great majority of people with complaints or concerns about the school/academy behave reasonably in pursuing their complaint. This means that they:

- treat all school/academy staff with courtesy and respect
- respect the needs of pupils and staff within the school/academy
- avoid the use of violence (including threats of violence) towards people and property
- recognise the time constraints under which members of staff work and allow the school/academy a reasonable time to respond to a complaint
- recognise that resolving a specific problem can sometimes take some time
- follow the school's complaints procedures

2. However, this appendix to the Model Complaints Procedure for Schools/Academies deals with **complainants that are unreasonably persistent or vexatious**.

Definitions

3. For the purposes of this appendix, an **"unreasonably persistent or vexatious complainant"** is defined as follows:

An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that they consider to be within the remit of the school/academy and whose behaviour is unreasonable. Such behaviour may be characterised by:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaint investigation process
- refuses to accept that certain issues are not within the scope of the complaint procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced

- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's/academy's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school/academy time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

Deciding whether a complainant should be deemed an unreasonably persistent complainant

4. Only the Headteacher, with the agreement of the Chair of Governors, may deem a complainant an unreasonably persistent complainant, however, should **not** mark a complaint as 'serial' before the complainant has completed the complaint procedure.

5. The Headteacher will ensure that there is sufficient evidence available to justify the decision. They will consult the Authority's Legal Services (maintained schools only) to confirm that the evidence is sufficient.

Action to be taken where a complainant is deemed an "unreasonably persistent complainant"

6. The Headteacher will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

7. Some or all of the following actions may be taken, depending on the particular circumstances of the case:

- insisting that no member of staff should meet the complainant on his/her own
- restricting telephone calls from the complainant to specified days and times
- requiring that all future contacts with the school/academy are in writing, including via email, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the school/academy's address
- merely acknowledging correspondence from the complainant that raises issues that have already been dealt with
- banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher.

8. However, all correspondence from the complainant will be considered and any new **and** substantive issues will be addressed and a reply sent to the complainant.

9. New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits.

When to stop responding

10. The decision to stop responding should never be taken lightly. You need to be able to say yes to all of the following:
    - you have taken every reasonable step to address the complainant's concerns
    - the complainant has been given a clear statement of your position and their options
    - the complainant contacts you repeatedly, making substantially the same points each time

11. The case to stop responding is stronger if you agree with one or more of these statements:
    - their letters, emails, or telephone calls are often or always abusive or aggressive
    - they make insulting personal comments about or threats towards staff
    - you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

12. You should not stop responding just because an individual is difficult to deal with or asks complex questions.

Communication strategy for persistent correspondents

13. If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools/academies can implement a tailored communication strategy.
    For example, they can:
    - restrict the individual to a single point of contact via an email address
    - limit the number of times they can make contact, such as a fixed number of contacts per term

14. However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

15. Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the Information Commissioner's Office for further advice.

16. You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school/academy failing to act reasonably.

17. You can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice Bureau.

18. If an individual persists to the point that may constitute harassment, you should seek legal

advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting academies direct.

19. Once you have decided that it's appropriate to stop responding, you will need to inform the individual.