

# CONCERNS AND COMPLAINTS POLICY AND PROCEDURES

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Reviewed by	C Hodges and Penny Harwood Children's Achievement and Wellbeing Committee of Cleves School
Review cycle	Every 2 years
Next review date	Summer Term 2023

## Introduction

The aim of this procedure is to seek a resolution to a concern or complaint and to maintain or restore positive relationships. In the case of parental concerns or complaints the aim is to arrive at a resolution that is in the best interests of the pupil.

## Who can raise a concern or make a complaint?

This procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may raise a concern or make a complaint to Cleves School about any 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. Cleves School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

## Concerns

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, s/he 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 make a formal complaint. In this case, Cleves School will attempt to resolve the issue through the stages outlined within this Complaints Procedure.

## Complaints

The Education (Independent School Standards) Regulations 2010 placed a duty on academy governing bodies to establish procedures for handling general complaints. The procedure must include;

- An opportunity to resolve the complaint with the school on an informal basis, for example through discussion with a senior member of staff;
- A formal complaint stage when the complaint is made in writing and usually responded to by the chair of

trustees

- A hearing with a panel set up by the academy trust, comprising of three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the academy. Parents must be allowed to attend the panel and be accompanied if they wish.

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**The following types of complaint are subject to other statutory procedures that are separate from this general complaints procedure:**

Complaint by a member of school staff	School Grievance Procedure. For further information contact the school.
Pupil exclusion	Right to make representations about fixed term exclusion to Trustees' Pupil Discipline committee. Where there is an unresolved dispute regarding a fixed term exclusion involving an allegation of disability discrimination the complainant has the further right of appeal to First-Tier Tribunal (Special Educational Needs and Disability, (SENDIST)). Right of review to independent panel for permanent exclusion. For further information contact the Exclusion and Reintegration Advisory Service via the Surrey County Council Contact Centre on 03456 009 009.
Pupil admissions	Separate procedures apply. For further information contact the school.
Child protection /safeguarding	Surrey Safeguarding Children Board procedures apply. For further information contact the Contact Centre as above.
Whistleblowing	We have an internal Whistleblowing Procedure for all employees and contractors.
Statements of Special Educational Needs and Disability (SEND)	Surrey County Council's statutory assessment procedures apply if a parent requests a statement. Right of appeal to SENDIST. For further information contact the SEN Management Team via the Contact Centre as above.
Freedom of information and data protection	Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 only of the complaints procedure should be completed. This will ensure that the complainant has access to further action via the Information Commissioner's Office ( <a href="http://www.ico.org.uk">www.ico.org.uk</a> ) within appropriate timescales.
Complaints regarding discrimination and	The complaints procedure applies, but complainant has

<p>harassment based on protected characteristics as defined in the Equality Act 2010. <sup>12</sup> Protected Characteristics are:</p> <ul style="list-style-type: none"> <li>• Disability</li> <li>• Gender reassignment</li> <li>• Pregnancy and maternity</li> <li>• Race</li> <li>• Religion or belief</li> <li>• Sex</li> <li>• Sexual orientation</li> </ul>	<p>further right of appeal to SENDIST for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.</p> <p>The complaints procedure and the First-Tier Tribunal procedure can run in parallel.</p>
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See DfE guidance for other exemptions, e.g. services provided by external providers

## General principles

- The aim of these guidelines is to achieve a resolution to concerns and complaints made by parents or members of the public. Most concerns can be resolved informally without any need to involve the board of trustees. However, if a concern becomes a complaint then process below will be used. It is not possible to jump stages in the procedure; it is a fundamental principle that each party must be allowed the opportunity to resolve the complaint before it is escalated to the next stage.
- The majority of parents/carers of children attending Cleves have a positive relationship with their child's teachers and other staff. This relationship is based on mutual respect and an understanding that both parties have the child's best interests at heart. This is the basis on which Cleves operates and is another key principle of these procedures.
- Any issue raised will be treated seriously and courteously. You will be given the opportunity to make your concerns known and school staff must be given time to investigate them properly in order for the matter to be resolved to everyone's satisfaction. It is important that you have confidence in these procedures and know that the matter will be investigated impartially and dealt with as quickly as possible. Resolving concerns involves balancing the rights and responsibilities of pupils, parents and staff; there should be recognition that responsibility rests with each of these parties.
- To comply with equalities legislation the school will be sensitive to the individual needs and circumstances of the complainant. No one should be excluded from the complaints system because of any difficulties they may have in representing themselves either in writing or in person.
- If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.

- The investigation of a complaint will not deal with staff disciplinary matters. If, however, during the course of considering a complaint, it is concluded that disciplinary procedures should be initiated, the board of trustees will consider this as a separate action.
- Confidentiality will be maintained at all times by all concerned. All conversations and correspondence will be treated with discretion. However, some sharing of information within the school will be inevitable if the complaint is to be investigated fully and fairly. This will be done with sensitivity and will take into account confidentiality. You should feel confident that a complaint will not disadvantage your child.
- The school is mindful of the Data Protection Act and is not allowed to disclose personal information relating to third parties, i.e. other pupils, other parents, staff etc.
- Anonymous complaints, whilst difficult to manage and resolve, will be recorded and referred to the Headteacher or Chair of the Board of trustees in the same way as other complaints. The fact that a complaint is from an anonymous source will not in itself justify a decision not to investigate the matter, nor will it rule out referral to other procedures as appropriate, e.g. child protection.
- The Headteachers and trustees will be prepared to investigate and review complaints up to three months after the event, even if a pupil has left the school.
- Where the concern relates to the conduct of a trustee, a protocol is contained in section 6.
- All timescales in this document refer to school working days i.e. excluding weekends, school holidays etc.

## **Concerns – procedure**

### **Stage 1 – Discuss concern with a member of school staff**

#### **1.1 Guidelines**

1.1.1 The vast majority of concerns can be resolved informally, often straight away by the class teacher or an appropriate senior leader, e.g. Head of Year, Deputy Headteacher or the Headteacher.

1.1.2 If you raise a concern at this stage with a trustee, the trustee will refer you to the Head teacher, who will decide which member of staff is best placed to respond. Trustees should not be involved in informal concerns, or at the start of a complaint.

1.1.3 You should feel able to raise concerns with school staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on your behalf and the school will be sensitive to the needs of individuals. Concerns should be raised at an appropriate time and not when other parents, pupils or staff can overhear, otherwise it is difficult for the school to observe confidentiality. At first it may be unclear whether you are asking a question or expressing an opinion rather than raising a concern or making a complaint, so this may need to be clarified. If you wish to meet an

appropriate member of staff to clarify or discuss your concern you will be given an opportunity to do so privately. The staff member will reassure you that the school wants to try and resolve the matter. It may also be helpful at this point to identify the outcome you are seeking.

1.2.3 In many cases this will lead to immediate resolution of the issue but in some circumstances the staff member will need to have some time to investigate your concerns and get back to you.

1.2.4 The member of staff will ensure that appropriate action is taken to deal with the matter speedily - usually within five school working days. Staff will also notify the Headteacher that a concern has been raised.

1.2.5 Where the concern relates to the specific actions of a member of staff, you should initially meet with the Headteacher to discuss the problem (see Stage 2). In the rare circumstances where the complaint is against the Headteacher, then you should contact the Chair of the Board of trustees via the school and proceed to Stage 3 of the process.

1.2.6 In most cases the member of staff who is dealing with the concern will respond to you verbally. This stage of the process seeks to resolve your concern as informally as possible. A written response will only be provided if this seems to be the best way of making the process or the outcome clear.

1.2.7 Where a response (verbal or written) has been received but is considered to be unsatisfactory, then you should inform the Headteacher within ten school working days that you wish your concern to be considered further (Stage 2).

1.1.4 The school will act to ensure that it remains a safe place for pupils, staff and members of the community. Abusive, threatening or violent behaviour will not be tolerated and people behaving in this way will be removed from the site and risk prosecution.

## **Complaints procedure**

### **Stage 2 – Consideration by the headteacher or a designated member of the Senior Leadership Team**

#### **2.1 Guidelines**

2.1.1 As the Headteacher has responsibility for the day-to-day running of the school, he has responsibility for the implementation of the complaints procedure, including decisions about his own involvement at the various stages. This has the benefit of allowing different points of view to be considered and alternative approaches or solutions to be taken into consideration by the Headteacher.

2.1.2 The Headteacher will need to make arrangements to ensure that his involvement does not dominate every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher makes contact with complainants at Stage 2.

2.1.3 If your complaint is about the conduct of the Headteacher then you must contact the Chair of the Board of trustees who will initiate Stage 3 of the complaints procedure.

## **2.2 Procedure**

2.2.1 Stage 2 complaints should be in writing ideally using the attached form ( See Appendix ) unless you are unable to express the complaint in writing, in which case please contact the school for advice. You should explain the details of the complaint; action taken so far and solutions offered; why the complaint remains unresolved and what action you would like to be taken to resolve the problem

2.2.2 Your letter/ form will be acknowledged in writing within three school working days of receiving the complaint. The acknowledgement will include a copy of this document and a target date for providing a response to your complaint. This will normally be within ten school working days. Where this is not possible, a letter will be sent explaining the reasons for the delay and giving a revised target date.

2.2.3 The Headteacher (or designated member of staff) will normally offer an opportunity for a parent of a pupil to meet with him/her to discuss the concern and supplement any of the information provided previously. This may not always be necessary for complainants who have stated their complaint in detail in writing or by telephone or email. If you want a meeting with the Headteacher you should request this.

2.2.4 If you meet with the Headteacher a note taker may be present to record the main points of the discussion; he will let you have a copy of the notes. You may, if you wish, be accompanied to this meeting by a friend, relative, representative or advocate who can speak on your behalf. You must, however, inform the school whom you intend to bring to the meeting. The school will facilitate interpreting facilities, if required, provided that you give notice of your requirements. <sup>IN</sup> B. If the complaint relates to a child protection concern there is a different set of procedures, which MUST be followed (Surrey Safeguarding Children's Board Procedures).

2.2.5 Once all relevant facts have been established, the Headteacher will write to you and may wish to meet you to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve your complaint.

2.2.6 Where the Headteacher considers that disciplinary action for either a staff member or a pupil is required, you will be informed that appropriate action has been taken, but the specific sanction will remain confidential and cannot legally be disclosed to you for reasons of confidentiality and the rights of individuals.

## **Stage 3 - Consideration by a nominated Trustee(s)**

### **3.1 Guidelines**

3.1.1 If your complaint is about the conduct or actions of the Headteacher, or if the Headteacher has been unable to resolve the issues to your satisfaction, you should put your complaint in writing addressed to the chair of trustees at the school.

3.1.2 It is in the interest of all parties concerned to try and resolve the complaint at this stage. If a decision is taken to move to Stage 4 the process inevitably becomes more adversarial.

3.1.3 The Chair of the Board of trustees will decide who will investigate your complaint at Stage 3 and may choose to delegate the management of the complaint to a Nominated Trustee(s). The Nominated Trustee(s) will investigate your concerns in detail and make recommendations. This person will be precluded from reviewing the complaint at Stage 4. One of the reasons for having a Nominated Trustee(s) at this stage in the complaint procedure is to reassure you that an impartial person is carrying out the investigation.

3.1.4 The Nominated Trustee(s) will be objective and impartial and you should trust them to do everything they can to resolve the complaint. It should be noted that trustees are volunteers and not normally education experts. They have to fit in their trustee duties around their own work and personal commitments. They will, however, have a good knowledge of the school and will be focussed on delivering good 'customer care'.

3.1.5 The Nominated Trustee(s) should be in a position to prioritise the investigation at this stage to ensure its timely resolution. Trustees have a responsibility for implementation of the school's complaints procedure and are acting on behalf of the full board of trustees in this regard.

3.1.6 Trustees know that this is a confidential process and will not share information with parties other than those directly involved with the complaint - this includes other trustees who may have to be involved at a later stage. You should not attempt to involve other trustees in your complaint as this may compromise their objectivity in taking part in any Stage 4 Complaint Review Panel.

3.1.7 Trustees are mindful of the Data Protection Act and will not disclose personal information relating to third parties, e.g. other pupils, parents and staff.

3.1.8 Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 is the final stage of the complaints procedure. It is recommended that two trustees, with no previous involvement in the matter, undertake the internal review and ensure that the complainant is provided with details of next steps i.e. that if the complainant remains dissatisfied following the internal review; they have access to further action via the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)).

## **3.2 Procedure**

3.2.1 You should put your complaint in writing ideally using the form ( See Appendix ) in order to clarify the individual aspects of the complaint and/or to highlight any outstanding issues unresolved at Stage 2. Your complaint should be sent to the Chair of the Board of trustees who will either investigate your complaint personally or nominate another trustee to do so.

3.2.2 The Nominated Trustee(s) will acknowledge receipt of your complaint in writing within five school working days and give you a target date for providing a response (this will normally be within fifteen school working days of receipt of the complaints form). Where this is not possible a letter will be sent to you explaining the reasons for the delay and revising the target date.

3.2.3 At this stage the Nominated Trustee(s) should offer to meet with or speak to you to clarify aspects of your concern and to seek further information before embarking on their investigation.

3.2.4 You may, if you wish, be accompanied to the meeting by a friend, relative, representative or advocate. You must inform the school whom you intend to bring to the meeting. The school should support you in seeking interpreting or advocacy services if they are required. You should request assistance well in advance of the meeting.

3.2.5 It is important for the Nominated Trustee(s) to remain as objective as possible whilst conducting the investigation. Any correspondence or written statements from previous stages of the complaint will be made available to the Nominated Trustee(s). The Nominated Trustee(s) should then discuss the issues with the Headteacher and/or other members of staff. On the basis of the written evidence and discussions the Nominated Trustee(s) may require the Headteacher to obtain further evidence or statements. The Headteacher's investigation notes may be covered by the Data Protection Act 1988 and may not be available to you.

## **Stage 4 - Consideration by a review panel of trustees**

### **4.1 Guidelines**

4.1.1 Complaints rarely reach this stage. All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at Stage 2 or the investigation by the Nominated Trustee(s) at Stage 3. It is not possible to go straight to Stage 4 in this procedure. Stages 1 to 3 must first have been completed in order to try and achieve a resolution.

4.1.2 A Complaint Review Panel will be convened to review the matter in detail. The panel will consist of two trustees and one person who is independent of the management and running of the school. The panel will normally invite you, the Headteacher and the Stage 3 Nominated Trustee(s) to attend the meeting to explain their actions. There may be occasions where it is appropriate to invite an alternative member of the SLT, such as the Deputy Head teacher, for example, where the Head teacher is unavailable. Where the complaint concerns the conduct of a Trustee the Head teacher may not be required to attend. If you choose to decline this invitation or fail to attend, the review will go ahead, the panel can proceed with the hearing and listen to/question the available invitees.

4.1.3 If the Complaint Review Panel believes that the Complaints procedure has not been correctly followed, or that the evidence does not support the conclusion taken at Stage 3, or that the process was flawed in some way, then it can uphold the complaint and direct the school to re-investigate the matter. The Complaint Review Panel will not simply overturn the decision taken by the Headteacher or the Nominated Trustee(s) because you do not agree with the outcome.

4.1.4 A Complaint Review Panel may fully or partially uphold a complaint or indeed overturn it. It will provide reasons for its decision in writing. Stage 4 is the final stage of the school complaints procedure.

4.1.5 This may be the last chance for a solution or compromise to be reached; every effort should be made to reach agreement.

4.1.6 Members of the Complaint Review Panel need to be able to consider the complaint in an objective manner. Legally speaking, prior knowledge of the complaint, or of the general situation leading up to the complaint, does not preclude a trustee from taking part in a review. However, some complainants are less

confident with the composition and objectivity of the Complaint Review Panel if some or all of its members have prior knowledge of the details. Ultimately the ability to remain objective is a matter for both the individual panel member and the board of trustees to decide.

4.1.7 In the interests of equality and fairness complaint reviews should normally be held at a time and venue, which is mutually convenient for all parties to attend. This may be at the school, in which case sufficient time will be allocated and attention to comfort and confidentiality will be given. In some cases other public buildings may be used to hear complaints.

4.1.8 All Stage 4 decisions will be communicated in writing after the hearing. If you require assistance in accessing the decision, the school will make sure you are given assistance and support, providing you let them know you will need this.

## **4.2 Procedure**

4.2.1 You should write to the Chair of the Board of trustees requesting that a Complaint Review Panel reviews your complaint. Following your request the procedures outlined below will be followed:

The Clerk to the Complaint Review Panel (usually the Clerk to the Board of trustees) will write to you to acknowledge receipt of the written request within five school working days. The acknowledgement will inform you that a Complaint Review Panel will review the complaint ideally within thirty school working days of receiving your request, unless there are exceptional circumstances.

The letter will also explain that both you and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send further documentation to the Clerk to the Complaint Review Panel at least ten school working days before the review meeting. All concerned, including you, should receive any relevant documents at least five school working days prior to the review meeting. Only in exceptional circumstances will new evidence be accepted after this time and this is at the discretion of the Chair of the Complaint Review Panel.

The date, time and venue should be at convenient time for all parties. Up to three possible dates should be offered to you but if these are unsuitable then the review will proceed. In this instance the panel will question those attendees that are available and consider any written evidence.

You should be notified in writing of your right to be accompanied to the review meeting by a friend/advocate/interpreter. The letter should also explain that the meeting will be conducted in line with the guidelines Guidance for Conduct of a Complaint Review Panel.

The Clerk to the Complaint Review Panel will convene the meeting for the Stage 4 Complaint Review Panel and will distribute all the paperwork. The panel will elect a Chair for the review hearing. This must not be the Headteacher or other member of staff who is a trustee of the school; nor can it be the Chair of the Board of trustees or Nominated Trustee(s) if they have been involved at a previous stage of your complaint.

The Complaint Review Panel may request that members of staff produce written reports, if appropriate. The panel will not interview children or invite pupils as witnesses to the review meeting.

It is the responsibility of the Chair of the Complaint Review Panel to ensure that the Clerk to the Complaint Review Panel properly minutes the meeting. .

4.2.2 The aim of the meeting will be to review how the school has managed the complaint and, if possible, to achieve reconciliation between you and the school. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action in order to satisfy you that your complaint has been taken seriously.

4.2.3 At the conclusion of the meeting the Chair of the Complaint Review Panel should explain that the panel would consider its decision and write to all parties with the outcome of the review within seven school working days.

4.2.4 A report and any recommendations will be made to the school's board of trustees at the next full meeting.

4.2.5 A written statement outlining the decision of the Complaint Review Panel will be sent to you and the Headteacher.

### **4.3 Guidance for conduct of a Complaint Review Panel**

4.3.1 The Chair of the Complaint Review Panel will invite everybody into the room at the same time. S/he will facilitate introductions and clarify roles.

4.3.2 The Chair of the Complaint Review Panel will explain to all present the purpose of the meeting, which is to:

- Review evidence and outcomes from Stages 1 to 3
- Evaluate whether the school has followed its policies and procedures
- Consider ways to achieve reconciliation between the school and the complainant.

4.3.3 The Chair of the Complaint Review Panel will then outline the procedure for the meeting. He/she should listen to any concerns about the procedure but has the final decision about the arrangements:

- The complainant will outline their complaint
- The Headteacher will be given the opportunity to seek clarification from the complainant
- The panel may seek clarification from the complainant
- The Headteacher and the Nominated Trustee(s) (Stage 3) will state the school's case
- The complainant will be given the opportunity to seek clarification from the Headteacher and/or Nominated Trustee(s)
- The panel may seek clarification from the Headteacher and/or Nominated Trustee(s)
- The Headteacher and/or Nominated Trustee(s) will be given the opportunity to summarise their position
- The complainant will be given the opportunity to summarise why s/he feels the school has not properly addressed the complaint
- The meeting will then close and the panel will deliberate. The Clerk to the Complaint Review Panel will remain to offer procedural advice.

4.3.1 The Complaint Review Panel will then arrive at its decision. This will cover:

- Findings on the complaint
- Appropriate action to be taken by the school
- Any recommended changes to the school's systems or procedures [SEP]
- That the decision will be notified to all parties, in writing, within seven school working days.

## 5. Further action after all four stages are complete

5.1 The Education Funding Agency (EFA) handles complaints about academies and free schools. Part of its role is to make sure that academies comply with the terms of their funding agreement, which is a contract between the academy and the Secretary of State. [SEP] In general, the EFA will only consider a complaint after it has been through the academy's own procedure. The EFA will look at complaints about academies that fall into the following areas:

- Undue delay or non-compliance with an academy's own complaints procedure
- An academy's failure to comply with a duty imposed on it under its funding agreement [SEP] with the Secretary of State.
- An academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter. [SEP]

The EFA's contact details are: EFA [SEP] [https://form.education.gov.uk/en/AchieveForms/?form\\_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen)

EFA Complaints, [SEP] Chief Executive's Office 53-55 Butts Road Earlsdon Park Coventry [SEP] CV1 3BH.

5.2 Ofsted has specific powers (under sections 11 A-C of the Education Act 2005 (as amended)) to investigate certain complaints about academies, known as qualifying complaints. Generally, the complainant must have followed the academy's own complaints procedure before referring to Ofsted. Ofsted will only consider complaints about whole academy issues and not those regarding individual pupils.

The Ofsted web site address is: [SEP] <https://www.gov.uk/government/organisations/ofsted>

## 6. Complaints about school trustees

### 6.1 Guidelines

6.1.1 Complaints about individual trustees are relatively rare. They generally relate to the conduct of a trustee within a school, or whilst on school business; they may include breaches of policy or confidentiality.

6.1.2 Complaints about the conduct of trustees outside of school, in a private capacity, do not fall within the remit of this policy.

6.1.3 The same good practice principles, already set out in this guidance, apply to the management of complaints about individual trustees. A two-stage procedure is recommended and this should be managed by the Chair of the Board of trustees in person, or in the event of the complaint being about the Chair of the Board of trustees, by the Vice Chair of the Board of trustees.

6.1.4 The Chair of the Board of trustees must be impartial, objective and rigorous in their investigation of complaints about a fellow trustee and demonstrate this to be the case. It is important that detailed notes are kept and timescales are adhered to.

6.1.5 The Clerk to the Board of trustees is responsible for the administrative support and general advice, as with other school complaints.

## **6.2 Procedure**

6.2.1 You should present your complaint either verbally or in writing to the Chair of the Board of trustees. If you require assistance the school will facilitate this.

6.2.2 The Chair of the Board of trustees will acknowledge receipt of the complaint in writing within three school working days and provide you with a target date for providing a response.

6.2.3 The Chair of the Board of trustees should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation. Meeting notes may be taken either by the Clerk to the Complaint Review Panel and/or the Chair of the Board of trustees.

6.2.4 The Chair of the Board of trustees will then begin their investigation of the key issues. Please note that trustees will not interview pupils.

6.2.5 The Chair of the Board of trustees will report his/her findings and any recommendations to you in writing (and verbally if s/he feels this is necessary); this will usually be within fifteen school working days. The Chair of the Board of trustees will give reasons for the decision to uphold, partially uphold or overturn the complaint. If there is good reason for any delay the Chair of the Board of trustees will notify you, giving you a revised target date for the completion of their investigation.

6.2.6 If you are not satisfied with the Chair of the Board of trustees' response then you should request a review of how the complaint has been managed within ten school working days of receipt of the response.

6.2.7 The Clerk to the Complaint Review Panel will write to you to acknowledge receipt of the written request within five school working days. The acknowledgement will inform you that a Complaint Review Panel will be convened, and will comprise of at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school. The Complaint Review Panel will consider the complaint within thirty school working days of receiving the request, unless there are exceptional circumstances.

6.2.8 Those taking part in panels need to be able to consider the complaint in an objective manner. Prior knowledge of the complaint, or of the general situation leading up to the complaint, need not preclude a person from being an unbiased panel member. The ability to remain objective is a matter for both the individual and the board of trustees to decide.

6.2.9 A further letter will explain to you the right of all parties to submit documentation relevant to the complaint. Three possible dates should be offered to you, but if these are unsuitable then the Complaint Review Panel may conduct the review in private. The Clerk to the Complaint Review Panel should be present to advise on procedure, record the discussion and record the decision; the Clerk to the Complaint Review Panel will also produce the final letter to the complainant.

6.2.10 If the Chair of the Board of trustees or the review panel upholds the complaint, and feels that further action against a trustee is required, this will be discussed with the full board of trustees as a confidential item (Part Two Business) and appropriate sanctions will be implemented. This matter will be subject to the Data Protection Act and will not be reported in the public domain.

## **7. Unreasonably persistent complainants**

### **7.1 Guidelines**

7.1.1 The majority of people with complaints or concerns about schools behave reasonably in pursuing their complaint. This means that they:

- Treat all school staff with courtesy and respect;
- Respect the needs of pupils and staff within the school;
- Do not use violence (including threats of violence) towards people or property;
- Recognize the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
- Recognize that resolving a specific problem can sometimes take some time;
- Follow the school's complaints procedure.

7.1.2 However, a small number of complainants may be deemed "unreasonably persistent complainants".

7.1.3 Definitions: For the purposes of this guidance an "unreasonably persistent complainant" is defined as follows: an unreasonably persistent complainant is a person who repeatedly complains about issues, either formally or informally, or frequently raises issues that s/he considers to be within the remit of the school and whose behaviour is unreasonable. Such behaviours may be characterised by complainants who display some or all of the following:

- Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted at all stages (e.g. where several responses have been provided).
- Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These should be addressed as separate complaints.
- Insist upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or insist upon pursuing meritorious complaints in an unreasonable manner, for example, complainants who are unwilling to accept documented evidence of action or who are unwilling to accept that the

board of trustees has reached a final decision on a chosen course of action.

- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue the complaint where the concerns identified are not within the remit of the board of trustees to investigate.
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a 'trivial' matter is can be subjective and careful judgments must be used in applying this criterion.
- Have, in the course of addressing a complaint, had an excessive number of contacts with the school, placing unreasonable demands on staff time.
- Make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice. <sup>[SEP]</sup>
- For the purposes of this guidance, "harassment" is defined as follows: <sup>[SEP]</sup> Harassment is the unreasonable pursuit of the actions listed above in such a way that <sup>[SEP]</sup> 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 aggressively.

7.1.4 Complainants should be aware that threatening behaviour or the use of physical violence towards staff at any time may cause personal contact with the complainant and/or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place.

## **Managing serial and unreasonable complaints**

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints 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 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 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.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Trustees will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from site.

## 7.2 Procedure

7.2.1 Only the Headteacher, with the agreement of the Chair of the Board of trustees, may deem a complainant 'unreasonably persistent'.

7.2.2 The Headteacher will ensure that there is sufficient evidence available to justify the decision.

7.2.3 The Chair of the Board of trustees 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.

7.2.4 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 responses to telephone calls and emails from the complainant to specified days and times;
- Requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the board of trustees, who should only be contacted at the school address;
- Merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
- After consulting with Surrey County Council's Legal Services, 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.

7.2.5 All correspondence from the complainant will be considered and any new and substantive issues will be addressed and a reply sent to the complainant.

7.2.6 New complaints from people who have been deemed unreasonably persistent complainants in the past will be treated on their merits.

7.2.7 If a complainant is deemed to be unreasonably persistent this will not reflect on the school's treatment of his/her child.

7.2.8 Once a complainant has been determined as persistent and/or unreasonable, 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.

7.2.9 A panel of three trustees should review the decision to categorise a complainant as persistent and/or unreasonable every six months.

7.2.10 The panel on review may either withdraw the categorisation of a person as persistent and/or unreasonable or amend the strategy being applied to that person.

7.2.11 If the panel considers it appropriate to withdraw the status of persistent and/or unreasonable, normal contact with the complainant will be resumed. The complainant will be given notice of this decision as soon as practicable.

7.2.12 Copies of all decisions relating to the categorisation of a person as persistent and/or unreasonable will be sent to the Clerk to the Board of trustees who will hold and maintain a central register of such

decisions.

7.2.13 The Headteacher's report to the board of trustees should outline the number of complainants, if any, who are categorised as persistent and/or unreasonable to enable the board of trustees to monitor this.

7.2.14 Nothing in this guidance affects an individual's statutory rights.

## **Duplicate complaints**

After closing a complaint at the end of the complaints procedure, you may receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject, you can inform the new complainant that the school has already considered that complaint and the local process is complete. You should advise the new complainant to contact the department if they are dissatisfied with the school's handling of the original complaint.

Take care not to overlook any new aspects to the complaint that you may not have previously considered. You will need to ensure these are investigated and dealt with to the full extent of the complaints procedure

## **Recording**

Recordings of meetings or telephone conversations should only occur when all parties have agreed to the recording. Circulation of such recordings to third parties without the prior knowledge and consent of other parties involved constitutes a breach of confidence.

The process of listening to and resolving complaints can contribute to school improvement. Governing bodies can use learning identified from across the spectrum of complaint investigations to:

- inform improvements within the school
- improve the effectiveness of the complaints procedure.

You must comply with your obligations under the Equality Act 2010. It's common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

- disability
- learning difficulties
- difficulties using English

A complaint may be made:

- in person, by telephone or in writing
- by a third party acting on behalf of the complainant.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be taken. These should be:

- kept securely
- encrypted where appropriate

A copy of any written response should be added to the complaint record.

Where there are communication difficulties, you may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded.

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

## **8. Timescales for making a complaint**

8.1.1 It is in the interests of all parties that concerns are raised as soon as they occur. Cleves will investigate and review complaints up to three months after the event. Headteachers and trustees are better able to undertake a thorough and fair investigation when the evidence trail is still fresh.

8.1.2 If parents wait to make a complaint until after their child has left the school they should be aware that the child's pupil file will have been passed onto the next school. The Headteacher will therefore have a very limited amount of information available on which to pursue his/her investigation.

8.1.3 Complainants are therefore urged to consider how they might best obtain the resolution they desire and if this is indeed possible after considerable time has elapsed.

# Appendices

## Stage 2 Formal Complaint Form

Please complete and return to the headteacher via the school office.

If your complaint is about the headteacher or an individual trustee, please return to the chair of trustees via the school office.

If your complaint is about the chair of trustees or the local governing committee, please return to the CEO via the clerk to the local governing committee.

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email Address	
Please give details of who have you first approached ( stage 1 of our process ) when you met and the outcome	
Please give details of your complaint, including whether you have spoken to anybody at school about it.	

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What actions do you feel might resolve the problem at this stage?
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Please give details of any paperwork you are attaching.
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Signed:
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Date:
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*Official use*

Date received:	Signed:
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

### Formal Complaints Form Stage 3

Please complete and return to the clerk to the local governing committee via the school office.

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email Address	
<p>Please give details of why you wish to take your complaint further and escalate the complaint to stage 2. Please give:</p> <ul style="list-style-type: none"><li>▪ Reasons why you feel your concerns have not been fully addressed</li><li>▪ Any evidence that you feel has not been fully considered, and,</li><li>▪ Which elements of your complaint remain unresolved from stage 1</li></ul>	

What actions do you feel might resolve the problem at this stage?
Please give details of any paperwork you are attaching.

Signed:
Date:

*Official use*

Date received:	Signed:
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

## **Roles and Responsibilities – Stage 4**

### **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** (this could be the headteacher / designated complaints 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, headteacher, Chair of Trustees, 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.

### **Clerk to the Board of Trustees**

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 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.