



St. Mary's Catholic Federation, Carshalton

**Complaints Policy
(Statutory)**

*Learning, playing and growing together in the love
of Jesus*

This policy is to be read in conjunction with the following policies:
Safeguarding & Child Protection, Teaching, Learning and Assessment, Health & Safety,
Equal Opportunities and Positive Behaviour.

Author: S Hulme

Committee: Resources Committee

Date Prepared: July 2021

Date Approved: July 2021

Date of Review: July 2022

Approved by Full Governing Body Date:

Chair of Governors.....

St Mary's Catholic Federation, Carshalton

Safeguarding Statement

This school takes notice of and adheres to all the national and local policies and guidance in regard to Safeguarding Children and Young People.

Lead Safeguarding Person Junior School: Mrs S Hulme

Lead Safeguarding Person Nursery & Infant School: Mrs M Quinn

Safeguarding Deputy: Mrs S Hulme

Governor designated safeguarding officer: Mr T Richmond



"St Mary's is committed to being a Rights Respecting School to inspire and support the children, parents and school governors in school and the wider community."

MISSION STATEMENT

"Love one another "John 1.

St Mary's is a welcoming school based on our shared Gospel values where we give witness to God's love, knowing that every child is embraced with the **love of Jesus** as they pray, **play** and **grow** together as friends.

Every child is unique and we are proud of our inclusive and supportive **learning** environment, where we celebrate each other's achievements. Children have the opportunity to reach their full potential as we guide them to become lifelong learners.

We all aspire to do the best we can within God's family, living Christian values and sharing spiritual links with those in our home, parish and wider community.

Policy Aim and Statement

INTRODUCTION

The Catholic School

As the first educators of their children, parents have a duty to take an active interest in their school. Canon Law requires that there is a partnership between the parent and the school "...there must be the closest cooperation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with parents and willingly listen to them." (Canon 796).

The partnership between the parent and the school is integral to the ethos and mission of the Catholic school and should be characterised by a mutual respect by which parents feel they are able to bring their concerns to the attention of someone in the school, at any time, with the expectation they will be listened to and their concerns addressed.

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

Complaints from people who are not parents will follow the same procedures in this policy. The School expects that most concerns can be resolved informally. All concerns will be taken seriously and kept confidential. All personally identifiable information recorded under this procedure will be kept securely, following the School's obligations under the latest Data Protection Act in England and the General Data Protection Regulations (GDPR) set down by the European Union.

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our school culture. We intend that parents and pupils should never feel - or be made to feel - that a complaint will be taken amiss or will adversely affect a pupil or his/her opportunities at our schools. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

Timescales

We aim to resolve any concerns and complaints in a timely manner. Timescales for each stage of the Procedures are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the school is open. The definition of "working day" excludes weekends and Bank Holidays.

Procedure to resolving concerns and complaints	
Stage 1 (informal)	Class Teachers Leadership Team
Stage 2 (formal)	Form B completed Head Teacher
Stage 3 (formal)	Complaint heard by Chair of Governors (if not the subject of the complaint)
Stage 4 (formal)	Governing Body Complaints Panel

Stage 1:

1 Concerns

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Parents/carers should raise the concern initially with the Class Teacher or, a line manager or the Head Teacher as appropriate. Each school will ensure that informal concerns are resolved within 10 working days of being raised.

2 Unresolved concerns

A concern which has not been resolved informally within ten working days from the receipt of the concern can be notified as a formal complaint in accordance with Stage 2 below.

3 Record of concerns

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the concern and/or file correspondence between the person raising the concern and the respondent.

Stage 2: Formal Complaints

4 Notification

An unresolved concern under Stage 1, or a complaint, which needs investigation, or a more serious dissatisfaction with some aspect of the School's policies, using Appendix B. Procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Head Teacher or the Chair of Governors, as appropriate (complaints regarding the Head Teacher should go to the Chair of the Governing Body).

Complaints against the chair of the Governing Body, any individual governor/school should be made by writing to the clerk to the relevant board. Should another member

of the school's staff receive a formal written complaint, this should be immediately passed to the Head Teacher, the appropriate Chair of the Governing Body or School.

5 Acknowledgement

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

6 Investigation and resolution

The Head Teacher may deal with the matter personally or delegate a senior member of staff to act as "investigating officer". The investigating officer may request additional information from the complainant and will fully investigate the issue. In most cases the Head Teacher will meet or speak with the parent/carer to discuss the matter.

7 Outcome

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint.

8 Record of complaints

Written records will be kept of any meetings and interviews held in relation to the complaint.

9 Unresolved Complaints

Where the complainant is not satisfied with the school/school's response to their complaint they may have their complaint considered by a school's complaint panel.

Stage 3 Complaint heard by Chair of Governors

(In a very small number of cases this may be the start of the procedure.)

10 If the complaint remains unresolved after stage stages 1 and 2 it can be referred to the chair of governors unless the complaint concerns the chair of governors in which case it will be referred to stage 4.

11 The complainant must write to the Chair of Governors, giving details of the complaint. The Chair will meet with the complainant and headteacher separately and hear the complaint and make every effort to resolve the issue. The procedure should only move to Stage Four, below, if the complaint cannot be resolved at Chair of Governors level.

12 The date of the meeting should be agreed between all parties within five school days from receipt of the written referral of the complaint to stage 3 and must take place within fifteen school days of receipt.

Stage 4 - Complaint Heard by the Complaints Panel

13 Request

A request for a complaint to be heard by a Complaints Panel (an appeal) may be made in writing, email, telephone within ten (10) working days of the school's decision made at Stage 2. Appeals may also be accepted following a meeting with the PA to the Headteacher who will record the details of the complaint. Consideration for an extended period over the ten days will be given in exceptional circumstances.

14 Acknowledgement

Where an appeal is received, the school will, within (three) 3 working days, refer the matter to the Clerk of the LGB/Clerk to the school who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within

(three) 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

15 Panel Hearing

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

16 Panel Membership

The Panel will consist of three Governors who have not previously been involved in the complaint and school (the process used for selecting the independent person will conform to relevant guidance). The Panel will select its own Chair.

17 The Remit of the Complaints Appeal Panel

The Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur. The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The panel chair will ensure that the proceedings are as informal as possible.

18 Attendance

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- the parents/carers and/or one representative;
- the Head Teacher and/or one representative;
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

In the event of either party not attending the meeting, the chairperson has discretion to proceed or to adjourn at any stage.

19 Evidence

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents;
- chronology and key dates;
- written statements setting out further detail.
- The evidence will be considered by the Panel along with the initial submission. All written evidence must be received by the Clerk no later than (five) 5 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than (three) 3 working days in advance of the Panel Hearing.

20 Roles and Responsibilities

All panels considering complaints must be clerked. The **clerk** would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decisions.

The Role of the Chair of Governors or Nominated Governor:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

The **Chair of the Panel** has a key role, ensuring that:

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

21 Decision

The Panel will reach a decision, and make any recommendations within ten (10) working days of the hearing. The decision reached is final.

22 Notification of the Panel's Decision

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers, the Governors involved and the Head Teacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

23 Record Keeping

The school will keep a record of all appeals, decisions and recommendations of the Complaints Panel. The school need not respond if a complainant raises again an issue that has already been taken through the complaints procedure.

24 Monitoring complaints

The School will monitor the level and nature of complaints, although individuals will not be named, in case an appeal panel needs to be constituted.

25 Governing Body Complaints Committee

25.1 Role

The Committee has the power to make decisions on behalf of the governing body and may:

- uphold the complaint,
- uphold it in part, or
- dismiss it

Where the issue under consideration does not fall within this remit of the Committee, the members may still wish to make recommendations.

A complaints committee should be appointed at the governing body meeting in the Autumn Term. The composition of this committee should be considered carefully. Dealing with any complaints that reach this stage is likely to be challenging but careful planning early on can avoid unnecessary complications. Consider the following:

25.2 Membership

The most important point to remember is that any complaints committee member should not have had previous significant involvement with a complaint. For example, it would be better not to appoint

- a governor who is likely to be involved in dealing with a complaint;
- a parent - or teacher-governor who is likely to have significant involvement with a complaint at the informal stage;
- a governor who is likely to be involved in mediating at the informal stage.

Whoever is appointed should be prepared to attend a meeting at short notice.

It is suggested that a minimum of three governors (excluding the headteacher) form the complaints committee. Substitutes should be appointed to take the place of any committee member who might be unavailable and the school reserves the right to seek governors from other schools should there be an issue with availability. The minutes of the Autumn Term governors meeting should show exactly who should be called for a meeting and in what order. The complaints committee clerk will then be clear about whom to call from a list.

25.3 Chairperson

The governing body should appoint a chairperson for the complaints committee at the same time as they decide on the membership of the committee. This avoids uncertainty all round and allows the chairperson to take control of the situation before the meeting as well as during and after it.

Previous experience of chairing a meeting is preferable. Governors should be aware that these meetings can be difficult and that the unexpected frequently occurs.

25.4 Clerk

The clerk to the governing body would be the person to whom the complaint is addressed and would normally clerk the complaints committee meeting, if governor's request this. If they are unavailable to do so, or there is a conflict of interest then an alternative, independent professional clerk can be contracted.

The clerk will draw up the agenda and make all the necessary arrangements for the meeting.

25.5 Representative of the Strategic Director of Education Services

The Strategic Director of Education Services has the right, under the complaints procedure, to have a representative present at all stages of the governing body complaints committee meeting and to have a copy of all associated paperwork.

26. Complaints Committee Meeting

26.1 Before a meeting

A copy of the agenda, the complaint, and any written response from the headteacher will be sent to complaints committee members and (if not a complaints committee member) the chairperson of governors at least five school days before the meeting. Each member must immediately read the papers to check that they have no significant

involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk will organise a substitute. It is essential to withdraw at this stage so that a substitute can be arranged.

26.2 Practical arrangements

The tone of the meeting is often set by what happens when the complainant first arrives. Therefore, the clerk will consider the following:

- What time will participants be asked to arrive?
- Who will greet participants when they arrive?
- Will anyone wait with them?
 - Where will other people wait? (Separate places for complainants and school representatives may be advisable).
- Will there be any refreshments provided?
- Where will the meeting take place?
- How will the meeting room be arranged? (Small informal arrangements are usually best).
- What route will the complainant and school representatives take to the meeting room?
- Does the complainant need an interpreter?

26.3 The meeting

The agenda is based on advice given by the Council of Tribunals and sets out the procedure to be used at the meeting.

The same rules apply as for other committee meetings of governors. For example, governors are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedure issues.

26.4 Chairperson's role

26.4.1 During the meeting

- Take control of the meeting with confidence; use your judgement to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting.

- Convey to all concerned that you are acting impartially by treating all participants even-handedly.

- The committee and the clerk will be present throughout the meeting

- The complainant and the headteacher (with their friends/advocates) will be invited in and asked to leave together.

- At the discretion of the chairperson witnesses will be invited to join the meeting when their input is required and to leave immediately afterwards.

- It is not appropriate for a child/pupil to attend.

- Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the committee who should be invited to speak to the committee and in what order; at no time should the complainant, headteacher or a witness be able to talk to committee members without both the complainant and headteacher being present; these arrangements may have to be modified if one or more of the parties' have

absented themselves from the meeting.

- If witnesses are waiting, the chairperson should try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.

- Once the main participants have joined you, explain the meeting's proceedings (see below).

- Begin to hear the complaint being firm about keeping to the agenda and reminding participants as necessary about the procedure; e.g. if interruptions occur.

- Bear in mind that all participants will be under stress; be even handed in your treatment of all participants.

26.4.2. Explaining the proceedings

- Introduce the people round the table.

- Explain that the agenda will be followed.

- Run down the items briefly and let the participants know if they will be able to hear the decision at the end of the meeting.

- If the complaint is complex and there are some aspects of it that fall outside the committee's remit, clarify this and explain exactly which aspects of the complaint can be addressed by the committee; later, you may wish to advise the complainant as to how best to follow up any complaint that could not be dealt with by the committee. Alternatively, the committee may wish to consider making representations to the responsible authority for those areas that fall outside its remit.

- Make it clear that although you want to be as informal as possible, you will keep to the agenda as this will allow everyone to have a fair hearing.

- Explain, for example, that you will hear the complainant speak without interruption and then ask the headteacher and complaints committee members to ask any questions to clarify any issues raised; then the headteacher's response will be heard, again without interruption, and there will be an opportunity for the committee and the complainant to ask any questions about what has been said and so on.

- Indicate any time limits that you would like to adhere to.

26.4.3 Concluding the discussion

- It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, you can move the meeting on by proceeding to the summing up. The complainant and the headteacher are then invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate.

- Confirm the arrangements for the participants to receive the decision of the meeting.

- After the complainant and headteacher have left, write down the decision of the committee so this can be accurately recorded in the minutes

- If the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible

26.4.4 The decision letter and minutes

- The complaints committee clerk sends a copy of the decision letter to the complainant, headteacher and chairperson.

- The complaints committee clerk writes the minutes. These are available to the complainant on request; the minutes record the procedure followed, the decision reached and any recommendations made.

- It is usual for all documents relating to a complaint to be kept confidential.

26.5. After the meeting

The chairperson of the committee will receive a copy of the minutes for Confirmation.

27. Vexatious Complaints

The term 'vexatious' reaches wider than complaints. It is not appropriate to make personal accusations or attacks on members of school staff or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school or to behave unreasonably by not engaging with the school to attempt a joint resolution.

If a complainant continues to raise issues or re-open issues that have already been dealt with through the complaints procedure, then the school can refuse to consider the complaint as the complaints procedures have been exhausted.

If a complainant in this category refuses to engage in the school's formal complaints procedures but continues to complain, then the headteacher and or chair of governors will consider informing the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Department for Education.

Appendix B

School Complaint Form

Please complete this form and return it to the Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure the next stage in the receipt and inform you of the next stage in the procedure.

Your name:	
Relationship with school (e.g. parent of a pupil on the school's roll):	
Pupil's name (if relevant to your complaint):	
Your address:	
Telephone number:	
Mobile number:	

What action, if any, have you already taken to try to resolve your complaint? (For instance, who have you spoken with or written to and what was the outcome?):

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Please give concise details of your complaint, including dates, names of witnesses, etc, to allow the matter to be fully investigated.

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

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Signature: **Date:**

For school use only:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

Appendix C

Policy on unacceptable behaviour

The School recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The Governors are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service, it would not normally limit the contact complainants have. However, the Governors do not expect the school/school's staff to tolerate behaviour by complainants, which is unacceptable, for example, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour.

Unacceptable actions and behaviours

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention:

- foul and abusive language towards staff, other parents and pupils;
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication;
- undermining school policies by actively encouraging pupils to ignore staff requests;
- making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses;
- combinations of some or all of these.
- The decision to restrict access to the school will be taken by the Head Teacher. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:
 - requesting contact in a particular form (for example, letters only);
 - requiring contact to take place with a named member of staff;
 - restricting telephone calls to specific days and times; and/or
 - asking the complainant to enter into an agreement about their conduct. In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way, which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Governors will seek to limit any detriment to any pupils who attend the school, as far as is reasonable within these circumstances e.g. access to parent's evenings, newsletters, and any other correspondence. Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Appendix D

Policy on unreasonably persistent complainants

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Policy.

Procedure

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is extremely committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances, the school may take action in accordance with this policy.

1. AIMS OF POLICY

1.1 The aims of this policy are to:

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

2. PARENTS' EXPECTATIONS OF THE SCHOOL

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

- 1) regularly communicate to parents/carers in writing:
 - a) how and when problems can be raised with the school;
 - b) the existence of the school's complaints procedure, and
 - c) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools;
- 2) respond within a reasonable time;
- 3) be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
- 4) respond with courtesy and respect;
- 5) attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and in line with advice from the Trust's legal services keeping complainants informed of progress towards a resolution of the issues raised.

3. THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

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

- a) treat all school staff with courtesy and respect;

- b) respect the needs and well-being of all pupils and staff in the school;
- c) avoid any use, or threatened use, of violence to people or property;
- d) avoid any aggression or verbal abuse;
- e) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
- f) recognise that resolving a specific problem can sometimes take some time;
- g) (in the case of a complaint) follow the School's Complaints Procedure.
- h) refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedures scope;
- i) changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage;
- j) introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered;
- k) electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- l) adopting a 'scattergun' approach: pursuing a complaint of complaints with the school and, at the same time, with a Member of Parliament/councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/Ofsted;
- m) making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous school staff, writing lengthy complex letters every few days and expecting immediate responses.
- n) submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure;
- o) refusing to accept the decision - repeatedly arguing the point and complaining about the decision;
- p) combinations of some or all of these.

3.2 The decision to restrict access to the school will be taken by the Head Teacher and will normally follow a prior warning to the complainant. Any restriction imposed will be appropriate and proportionate. The options we are most likely to consider are:

- * requesting contact in a particular form (for example, letters only);
- * Requiring contact to take place with a named member of staff;
- * Restricting telephone calls to specific days and times; and/or
- * Asking the complainant to enter into an agreement about their future contacts with us.

4. WHO IS A PERSISTENT COMPLAINANT?

4.1 For the purpose of this policy, a persistent complainant may be anyone who engages in unreasonable behavior when making a complaint. This will include persons who pursue complaints in an unreasonable manner, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) uses Freedom of Information requests excessively and unreasonably
- d) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- e) an insistence upon pursuing complaints in an unreasonable manner;

- f) an insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- g) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.
- h) making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced.
- i) abusive or threatening behaviour or language towards school staff
- j) failing to specify grounds of the complaint, despite offers of assistance from the school.

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

- a) appear to be targeted over a significant period of time on one or more members of school staff and/or
- b) cause ongoing distress to individual member(s) of school staff and/or
- c) have a significant adverse effect on the whole/parts of the school community and/or
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health of pupils and/or staff.

5. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate.

5.1 In the first instance the school will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

5.2 This will be confirmed in writing that the school considers his/her behaviour to fall under the terms of the Persistent or vexatious complaints/Harassment Policy. (Model Letter 1).

5.3 If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- a) inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2);
- b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see Model Letter 2);
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by written communication only and these may be required to be channelled through a third party chosen by the school, for example the Local Authority or Solicitor (see Model Letter 2);
- d) Inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only.

- e) (in the case of physical, or verbal aggression) take advice from HR / Legal Services (services purchased by the Governing Body) and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- f) consider taking advice from the school's legal services on pursuing a case under Anti-Harassment legislation;
- g) consider taking advice from the HR / Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Headteacher accordingly.

5.4 Thus, based on 5.3g legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. However, the school will be advised by its HR/Legal Services.

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

6. REVIEW

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

MODEL LETTER 1:

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ACCEPTABLE STANDARD

RECORDED DELIVERY

Dear

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

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

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure. At the moment we are dealing with these issues by [*describing actions being taken to resolve concern*].

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. These include: behaving reasonably; treating others with courtesy and respect; resolving complaints using the School's Complaints Procedure; Avoiding physical and verbal aggression at all times.

The Policy also indicates the steps that we may take if these standards are breached. These include: making special arrangements for meetings and communication with the school; considering a ban from the school premises; Considering legal action.

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

Yours sincerely

MODEL LETTER 2:

INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/ HARASSMENT

RECORDED DELIVERY

Dear

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

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

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

*[*Delete A or B as applicable]*

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

(a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to at the school address; email correspondence will not be responded to;

(a) an appointment will be arranged and confirmed in writing as soon as possible;

(b) a third party from the school will be present;

(c) in the interests of all parties, formal notes of this meeting may be made.

*B For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by representing the school. I would ask you to note:

(a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to at the school address; email correspondence will not be responded to;

(b) an appointment will be arranged and confirmed in writing as soon as possible;

(b) a third party will be present;

(c) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving *[insert name of pupil]*

- in which case you should contact the school in the usual way.

While these arrangements are in place, with respect to normal access to information available on parents' evenings, this will be provided in a summary written report.

These arrangements take effect straight away. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any

assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the school by *[state ten working days from the date of the letter]*.

If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case. I do hope that the difficulties we are currently experiencing can soon be resolved.
Yours sincerely

APPENDIX E

Summary of external bodies dealing with complaints about schools beyond the local authority THE SECRETARY OF STATE Will investigate complaints about the operation of any general school's complaints procedure, but normally does not look at internal school management matters and expects that the local complaints procedure has been completed prior to any investigation.

The Secretary of State will generally only consider cases where;

- The governing body has acted unreasonably
- Or not fulfilled a specific duty
- Or not applied its complaints procedure fairly.

You can make a complaint by, email, telephone, via the [contact us form](#) on the Department of Education Website or.

If you are writing or faxing your complaint, please provide your telephone number if a response by telephone would be convenient.

If you know the part of the Department which is relevant to your complaint, or the name or title of an appropriate member of staff, please make your complaint direct to them.

If you do not have this information, please contact the Department's Public Communications Unit who will give you the contact details for the most appropriate person.

Contact details

Department for Education

Level 4- Piccadilly Gate

Store Street

Manchester

M12 WD

Telephone: 0370 000 2288

Online: www.education.gov.uk/contactus

Ofsted

Ofsted can consider general complaints about the education or care offered by a school as a whole, not about a child's individual circumstances.

Contact details are:

www.ofsted.gov.uk

email: enquiries@ofsted.gov.uk

Help desk: 08456 40 4045

Note

Special Complaints about Special Educational Needs and Disabilities (SEND)

- If a parent or carer of a child with an Education and Health Care Plan (EHCP) is unhappy with the support he or she is receiving at school, it is the responsibility of the LA to ensure the specified educational provision is delivered by the school. Therefore, any complaints of this nature should be directed to the LA.
- Similarly, concerns about statutory assessments of SEND should be raised with LAs.
- However, if a parent or carer of a child who does not have an EHCP wishes to complain about the support he or she is receiving at school, the complaint should be considered under the stages of the school's complaints procedure.

Complaints about Admissions

Please refer to the Admissions policy

Complaints about the Governing Body should be made directly to the Catholic Archdiocese of Southwark.

Southwark Education Commission St Edward's House St Paul's Wood Hill Orpington. BR5 2SR 01689 829331
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