

COMPLAINTS POLICY
including the
Policy and Procedure for Dealing with
Persistent or Vexatious Complaints or
Harassment from Parents or Members of
the Public

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The policy owner is:	Chief Executive Officer
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Signed by the Chair of the Board of Trustees:	J. Smith, Chair of Trustees

Associated Documentation and Guidance

- The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents>
- The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>
- Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>
- The Department for Education Best practice guidance for school complaints procedures
<https://www.gov.uk/government/publications/school-complaints-procedures>

Complaints that fall outside of this procedure

Complaints relating to the following issues are covered by a separate/specific policy.

- Pupil admissions; please see the academy's admissions policy.
- Pupil exclusions; please see the academy's behaviour policy and/ or Exclusion policy.
- Staff grievance, capability or disciplinary; these are covered by the Trust's grievance, disciplinary and capability procedures.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy.
- Complaints against the Trust, including its Central Services function, Senior Executives, Trustees and members of the/or the whole Local Advisory Board.

Contents

Definitions	3
Introduction.....	4
Aims of the policy	4
Parents' Expectations of an Academy	5
The Trust's Expectations of Parents/Carers/Members of the Public	5
Maintaining records	6
Maintaining confidentiality	6
Safeguarding.....	6
The Complaints Procedure	6
Level 1 – informal raising a concern with the Class Teacher or relevant member of staff	6
Level 2 – Informal, where the discussion is with the Headteacher/Principal/Senior Leadership Team if the concern has not previously resolved at Level 1	7
Level 3 – formal complaint letter to Headteacher/Principal of the academy	7
Level 4 – Formal complaint to the Chair of the Local Advisory Board requesting a Complaint's Panel.	7
The decision of the Complaints Panel is final	8
Concerns or complaints specifically about the Principal/Headteacher.	9
Vexatious and Persistent Complaints.....	9
Monitoring and Review	11
APPENDIX 1: Poster to be displayed prominently in the Academy.....	12

Definitions

- The Trust means The Wensum Trust
- Headteacher/Principal refers to Headteacher at Primary Phase and Principals at Secondary Phase
- Governor also means Trustee depending on reporting channels
- Local Advisory Board means the body formally referred to as a Local Governing Body
- Chair of Governors refers to the Chair of the LAB

Introduction

The Wensum Trust is committed to providing a happy, safe and enriching environment for its students, staff and visitors. The Trust is continually striving to improve and welcomes communication from parents/carers and the local community to enable it to work towards resolving any issues that may arise.

This document provides information and guidance to assist anyone that has a complaint about **one of our Academies** within the Trust. If you have any difficulty, accessing information, please let the Trust or in the first instance, an Academy within the Trust know, so that alternative methods of contact can be put in place.

General Guidance

Research shows that someone experiencing an unhappy situation with an organisation is likely to tell up to 10 other people about his/her negative experience. In terms of the reputation of an Academy, this will relate to people within the local community, other parents, friends and relatives.

However, someone having a good experience of how an issue is handled will tell up to 10 people about their positive experience.

The DfE best practice makes the following distinction between a concern and a complaint:

- A concern is *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- A complaint is *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

How an issue is handled gives people a clear idea of how committed the Trust, Academy and Local Advisory Body are to giving the best possible provision.

Issues will be dealt with by the Academy together with parents/carers as calmly, courteously and as quickly as possible. For this reason, complaints should be made as soon as possible after an incident arises and in any event within three months of the incident giving rise to the complaint. It is accepted there may be good reasons why a complaint has not been made earlier (e.g. in order to gather information to support the complaint or a parent was not fully aware of the implications of an incident until a later date) and when this is the case the complaint should include the reasons for the delay.

Aims of the policy

The aims of the policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between an academy and persons who wish to express a concern or pursue a complaint;
- Support the wellbeing of the children, students, staff and everyone who has a legitimate interest in the work of an academy and the Trust, including governors, trustees and parents;
- Deal fairly with all who make a complaint including those who make persistent or vexatious comments and complaints and those who harass members of academy staff in person, or in written communication, including social media.

Principles:

- Our Academies will seek to resolve all complaints through the informal stages but depending on the nature of the complaint, there may be a need to follow the formal complaints procedure. We will respond as quickly and effectively as possible.

- We want all our pupils to be healthy, happy and safe, and to achieve to their full potential. We recognise that parents, guardians or carers play an important part in making this happen.
- Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in our Academies.
- Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.
- We insist on mutual respect from all parties at all times. Aggressive or abusive behaviour in person, or in written format, including social media, is not acceptable and will not be tolerated at our Academies.
- All complaints will be dealt with in confidence.
- Anonymous complaints will not be investigated

Parents' Expectations of an Academy

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

- Regularly communicate to parents/carers in writing:
 - a) How and when problems can be raised with the academy
 - b) The existence of the academy's complaints policy
- Respond within a reasonable time
- Be available for consultation within reasonable time limits bearing in mind the needs of the children and students within the academy and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the academy's Complaints Policy
- Keep complainants informed of progress towards the resolution of the issues raised

The Trust's Expectations of Parents/Carers/Members of the Public

Wensum Trust can expect parents/carers/members of the public who wish to raise problems with an academy to:

- Treat all academy staff with courtesy and respect
- Respect the needs and wellbeing of children, students and staff in the academy
- Avoid any use, or threatened use, of violence to people or property
- Avoid any aggression, verbal abuse, or written abuse, including any posts on social media
- Recognise the time constraints under which members of staff in the academy work and allow the academy a reasonable time to respond
- Recognise that resolving a specific problem can sometimes take time
- (In the case of a complainant) follow the Complaints Policy.

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the academy. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the academy as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved and the Local Advisory Board requests that complaints are not discussed publicly, including via social media.

Actions taken in relation to academy staff that arise as a result of the complaint will remain confidential to the academy and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the academy is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the academy's safeguarding policy which can be found on the academy's website.

The Complaints Procedure

There are 4 levels to the process:

1. Informal, raising a concern with the Class Teacher or relevant member of staff.
2. Informal, where the discussion is with the Headteacher/Principal/Senior Leadership Team if the concern has not previously resolved at Level 1.
3. Formal complaint letter to Headteacher/Principal of the academy.
4. Formal complaint to the Chair of Governors of the Local Advisory Board requesting a Complaint's Panel.

All stages of the process are covered in detail below.

Level 1 – informal raising a concern with the Class Teacher or relevant member of staff

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class/subject teacher, tutor or Head of Year about their concern. Third party complainants should speak to an appropriate member of business support staff (e.g. office manager). It is best to resolve issues at this point. It is important for parents to recognise that Academies are busy organisations and that it may not be possible to offer an appointment straight away. Audio recording of any meetings is not permitted, this includes recording by way of mobile phone.

Level 2 – Informal, where the discussion is with the Headteacher/Principal/Senior Leadership Team if the concern has not previously resolved at Level 1

Parents/carers dissatisfied with the result of the discussions with the class/subject teacher, tutor or Head of Year should ask for an appointment to meet with the Headteacher/Principal or a member of the Leadership Team (a Deputy or Assistant Principal/Headteacher).

If a resolution to the issue is proving difficult to find, the Headteacher/Principal or a member of the Leadership Team can speak to one member of the Local Advisory Body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

The Headteacher/Principal will write a letter to parents summarising what has been agreed regarding the issue.

Level 3 – formal complaint letter to Headteacher/Principal of the academy

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Parents, carers, guardians or third-party complainants wishing to move to level 3 must submit a formal complaint to the Headteacher/Principal either by letter or email. The formal complaint submission will need to set out clearly the issues which have previously been discussed and why the parent, carer, guardian or third party considers the issue to be unresolved. The formal complaint submission should also outline the resolution, which they are seeking.

The Headteacher/Principal should consider the complaint and investigate as appropriate before writing to the complainant outlining their findings. The Headteacher/Principal should respond in writing within 10 working days of receipt of the formal complaint submission.

Level 4 – Formal complaint to the Chair of the Local Advisory Board requesting a Complaint’s Panel.

Time Scales:

Who	What	When
Complainant	Written complaint sent to Chair of the LAB	Within 10 school days of last formal meeting with Headteacher/Principal
Chair of Governors	Receipt of complainant’s letter	Acknowledgement within 10 school days
Clerk	Receipt of complainant’s letter	Governors’ Panel meeting arranged to meet within 20 school days (unless this goes into school holidays, where the meeting will be held after the break)
Clerk	Written documentation sent to Governors’ Panel Members, complainant and Headteacher/Principal	5 school days before the meeting.
Clerk	Governors’ Panel members decision communicated to all concerned	As soon as possible but in writing within 10 school days of the meeting.

Complainants wishing to move to level 4 of the formal complaint procedure will need to submit to the Chair of the Local Advisory Board a formal complaint requesting a 'complaint panel is arranged' either in writing to the academy address marking the envelope 'urgent, private and confidential, For the Attention of the Chair of Local Advisory board' or by email to the Clerk to the Local Advisory board (email address can be obtained from the academy) noting in the subject line 'FAO Chair of the Local Advisory Board. This formal complaint must be received within 10 school days of the last meeting with the Headteacher/Principal concerning the issue.

The formal complaint submission will need to set out the complaint that has previously been formally discussed with the Headteacher/Principal, show why the matter is not resolved and detail the preferred outcome. The Chair will review the complaint and any submissions that are invalid or spurious will be rejected and no panel established.

A Complaint Panel consisting of 3 members will be organised to meet within 20 school days from receipt of the complaint. All three panel members will have no prior knowledge of the content of the complaint, and one member will be independent from the Local Advisory Board. If the complaint is received within 19 days of the end of term it may not be possible to organise the governor's panel meeting. In this case the matter should be dealt with within 10 school days of the academy reopening.

The complainant and Headteacher/Principal may be invited to attend the Governor's Complaints Panel meeting to give a verbal statement in support of their documentation. The complainant and Headteacher/Principal can bring someone to support them if they wish, however, this person will not be allowed to contribute to the meeting. Legal representatives are not allowed to attend the review meeting. **A copy of the panel pack will be issued to all those attending the panel 5 school days in advance of the meeting.**

The decision of the panel will be sent to all parties within 10 days of the meeting being held.

The decision of the Complaints Panel is final

Once a Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of the Panel should inform the complainant that the matter is closed.

The decision of the Complaints Panel will not be investigated. If, however, the complainant feels that the Academy and the Complaints Panel have not followed the Academy's complaints procedure correctly, they can contact the Education and Skills Funding Agency (ESFA) via <https://www.gov.uk/complain-about-school>.

The ESFA will only investigate complaints about academies that fall into the following areas:

- ❖ undue delay or non-compliance with the academy's own complaints procedure,
- ❖ an academy's failure to comply with a duty imposed on it under its funding agreement 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.

Any complaints concerning the conduct of Academy staff will be handled in accordance with the Academies internal disciplinary procedures. The details of such an investigation will remain confidential.

Some complaints regarding safeguarding, admissions, the curriculum or special educational needs are covered by statutory regulations. The Headteacher/Principal can give information about these issues or advice can be sought.

Concerns or complaints specifically about the Principal/Headteacher.

If, the concern or complaint is specifically about the Headteacher/Principal and is unable to be resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of the Local Advisory Body. The Academy will provide the Chair's name and the complainant should submit a formal complaint to the Chair either in writing at the Academy address marking the envelope 'urgent, private and confidential' or by email to the Clerk to the Local Academy Board (email address can be obtained from the academy) noting in the subject line 'FAO Chair of Local Advisory Board '. The Chair will acknowledge the complainant's letter either in writing or by an email from the Clerk within 10 school days of receipt, confirm the details of the allegation and establish it is not demonstrably false or unfounded. The Chair should contact the relevant Strategic Lead at The Wensum Trust for advice and the process for establishing a panel.

Vexatious and Persistent Complaints

Vexatious Complainants

The Headteacher/Principal and all staff deal with specific complaints as part of their day-to-day management of the academy in accordance with this Policy.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant, who could be a pupil's parent, relative or carer.

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

Who is a Persistent Complainant?

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

- Actions which are persistent, obsessive, harassing, prolific, repetitious
- Prolific correspondence, use of social media, or excessive email or telephone contact about a concern or complaint
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- An insistence upon pursuing complaints in an unreasonable manner
- An insistence on only dealing with a specific member of staff on all occasions irrespective of the issue and the level of delegation in academy to deal with such matters
- An insistence on repeatedly pursuing a complaint where the outcome is not satisfactory to the complainant, but cannot be changed

For the purpose of this guidance, harassment is the unreasonable pursuit of such actions as above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of the academy staff and/or
- Cause ongoing distress to the individual member(s) of the academy staff and/or
- Have a significant adverse effect on the whole/parts of the academy or its community including individuals
- Are pursued in a manner which can be perceived as intimidation 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, wellbeing and health.

The Academy's and/or Trust's Actions in the Case of Persistent or Vexatious Complaints or Harassment:

In the first instance the academy will verbally inform the complainant that their behaviour is considered to be becoming unreasonable/ unacceptable and, if it is not modified, action may be taken. This will be confirmed in writing.

If the behaviour is not modified the academy may 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 academy's community:

- Inform the complainant in writing that their behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this guidance.
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of the meeting may be taken in the interest of all parties.
- Inform the complainant that, except in emergencies, all routine communication with the complainant should be by letter only.
- In the case of physical or verbal aggression, take legal or specialist advice and consider warning the complainant about being banned from the academy site; or proceed immediately to a temporary ban
- Consider taking advice on pursuing a case under Anti-Harassment legislation
- In situations where the complainant's actions taken would be considered libellous (including use of social media), or slanderous, take appropriate legal action in defamation.
- Consider taking advice 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/Principal but only with a third person to be identified by the Local Advisory Board who will investigate, determine whether or not the concern/complaint is reasonable, or vexatious and then advise the Headteacher/Principal accordingly.

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 academy may resume the process identified above at an appropriate level. In these circumstances' advice may be sought.

Members of the Local Advisory Board will act as a Complaints Panel at the appropriate procedural stage, and this panel will include an independent member.

Monitoring and Review

The Trust will review this policy every 3 years and assess its effectiveness and implementation. Any deficiencies identified shall be corrected and used to inform review of the policy, which will be promoted and implemented throughout the Trust.

The Chief Executive Officer will report on the effectiveness of the policy to the Trust Board as appropriate.

APPENDIX 1: Poster to be displayed prominently in the Academy

COMPLAINTS PROCEDURE

For your concerns to be heard and dealt with effectively please follow these steps:-

Stage 1 – Informal Stage

Before making an official complaint, make an appointment to sit down with your child's class/subject teacher, tutor or Head of Year and discuss your concerns. They may be able to take direct action to sort out the problem. Complaints from members of the community are to be addressed to a member of the Office Staff.

If you are not satisfied that enough has been done, and you have tried to discuss your concerns then you need to tell the class/subject teacher, tutor or Head of Year that you intend to take the complaint to the next level and involve the Headteacher/Principal or a senior member of staff.

We hope you can reach an agreement that satisfies you and the academy; please give them time to take action.

Stage 2: - Informal stage

Having given the class/subject teacher, tutor or Head of Year time to act on your concerns, if you feel it has not been sorted out to your satisfaction, you will need to arrange an appointment to speak to the Headteacher/Principal or senior member of staff. You will need to discuss the matter with them explaining your complaint and what you would like to happen to put the matter right.

Stage 3: - Formal stage

If you are not satisfied with the response, you will need to write a formal letter of complaint to the Headteacher/Principal. Having investigated your concern, the Headteacher/Principal will then inform you, in writing of any action being taken, within 10 working days.

Stage 4: - Formal stage

If you are not satisfied with the response from the Headteacher/Principal then you can write to the Chair of Governors requesting that a Complaints Panel is set up. The Local Advisory Board will arrange for three governors to hear your complaint, of which one member will be independent from the academy. The meeting will take place within 20 working days of receipt of your complaint. You will be notified of the panel's decision within 10 working days.

We always seek to solve problems informally and as quickly as possible.

We are committed to all members of the Academy community being treated with respect and courtesy.

A full copy of the Complaints Policy, including the Policy and Procedure for Dealing with Persistent or Vexatious Complaints or Harassment from Parents or Members of the Public, is obtainable from the Academy office, on the Academy and Wensum Trust Websites.