

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:	John Smith

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 school's admissions policy.
- Pupil exclusions; please see the school'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.

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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 a school within the Trust. Guidance is also provided for complaints about the Trust. If you have any difficulty, accessing information, please let the Trust or in the first instance, a school 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 a school, 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, school and Local Advisory Body are to giving the best possible provision.

Issues will be dealt with by the school together with parents/carers as calmly, courteously and as quickly as possible. You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Aims of the policy

The aims of the policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between a school 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 a school 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 school staff in person, or in written communication, including social media.

Principles:

- Our schools 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 schools.
- 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 schools.
- All complaints will be dealt with in confidence.
- Anonymous complaints will not be investigated

Parents' Expectations of a School

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

- 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 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 school and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the school'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 a school to:

- Treat all school staff with courtesy and respect
- Respect the needs and wellbeing of children, students and staff in the school
- 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 school work and allow the school 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 school. 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 school 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 school staff that arise as a result of the complaint will remain confidential to the school 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 school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy which can be found on the school'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 school.
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., school secretary / Principal's PA). It is best to resolve issues at this point. It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint. If the issue remains unresolved, the next step is to make an informal Level 2 complaint.

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 Board 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 or the appropriate person investigating the complaint will provide a written response within 10 school days of the date of receipt of the complaint. If the issue remains unresolved, the next step is to make a formal Level 3 formal complaint.

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

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 within 10 school days of receipt of the Level 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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 school 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 school 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 school) noting in the subject line 'FAO Chair of the Local Advisory Board'. This formal complaint must be received within 10 school days of receipt of the Level 3 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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 of the management and running of the school i.e., a Governor from another school within the Trust. 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 school 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. Representatives from the media are not permitted to attend. **A copy of the panel pack will be issued to all those attending the panel 5 school days in advance of the meeting.**

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the Trust and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

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.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Level 4.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

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 Board. The school will provide the Chair's name and the complainant should submit a formal complaint to the Chair either in writing at the school address marking the envelope 'urgent, private and confidential' or by email to the Clerk to the Local Advisory Board (email address can be obtained from the school) 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.

Complaints about the Trust

If a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated. The formal complaint submission should also outline the resolution, which they are seeking. It should be noted that this process cannot be used to reopen a complaint that has already been considered as part of the academy's complaints process; this complaint should be a distinctly separate matter.

The CEO will write to the complainant acknowledging the complaint within 10 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 10 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the complainant within 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the complainant within 10 school days and provide a copy to the CEO.

Formal complaint to the Chair of the Trust requesting a complaints panel

If the complainant is not satisfied with the outcome of the complaint, they should write to the Lead Governance Professional to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 20 school days. This can be done in writing to the Trust address making the envelope 'urgent, private and confidential, For the Attention of the Chair of the Trust or by email to the Lead Governance Professional (email address can be obtained from the Trust) noting the subject line FAO Chair of the Local Advisory Board. This formal complaint must be received within 10 school days of receipt of the outcome letter from the CEO. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Lead Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The formal complaint submission will need to set out the complaint that has previously been formally discussed with the CEO, 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.

The Lead Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the complaint. If this is not possible, the Lead Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Lead Governance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing

with the complaint in the previous stages, or have any detailed prior knowledge of the complaint. At least one member of the panel will be independent of the management and running of the Trust.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

The complaint will be heard by a completely independent panel.

The complainant and the CEO may be invited to attend the Complaints Panel meeting to give a verbal statement in support of their documentation. The complainant and the CEO 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. Representatives from the media are not permitted to attend. **A copy of the panel pack will be issued to all those attending the panel 5 school days in advance of the meeting.**

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the Trust and the CEO.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

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 school 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 school and directly or indirectly the overall well-being of staff, children and parents in the school community. In these exceptional circumstances the school 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 school, 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 school 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 school staff and/or
- Cause ongoing distress to the individual member(s) of the school staff and/or
- Have a significant adverse effect on the whole/parts of the school 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 School and/or Trust Actions in the Case of Persistent or Vexatious Complaints or Harassment:

In the first instance the school will verbally inform the complainant that their behaviour is considered to 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 school 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 school's community:

- Inform the complainant in writing that their behaviour is now considered by the school 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 school 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 school 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.