

	<p style="text-align: center;">The TILIAN PARTNERSHIP <i>Inspire to achieve</i></p>	<p>Policy Document Agreed: Jul 24 Review: Annual Date: Jul 25</p>
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Complaints Procedure

Our schools are committed to providing the best education for our young people and want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

Trusts are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints. It is expected that all concerns and complaints will be referred to the school in the first instance (except where the complaint is about a member of the Tilian central staff or a Chair of a School Governance Committee).

Please note: Concerns/complaints must not be emailed directly to staff members or copied in to others. Please see the steps below for the appropriate way to contact members of staff. Timescales contained in this document do not include weekends or school holiday periods.

If the subject of the complaint is absent and is unable to be part of a discussion or an investigation, then the complaint will be put on hold until their return. Issues from the complaint will be passed on to the line manager of that staff member and, if appropriate, actions will be taken. The complainant will be informed that the complaint is on hold and will be informed of any actions taken by the school to address the issues raised.

Complaints need to be considered and resolved as quickly and efficiently as possible. The Complaints Procedure is designed to address issues and introduce measures to bring about a resolution for the complainant and associated parties. Therefore this procedure will only be applicable when a pupil remains on the school roll. If the pupil leaves the school before* or during the complaint, then the complaint will still be investigated, actions taken as appropriated and reported to governors but the complainant will not receive further communication about the complaint.

***Complaints must be made within 6 calendar months of the pupil leaving the school.**

When following the procedures below please ensure that your complaint is not copied to any other staff member or governance member, other than the recipient named at the relevant step, as this breaches the policy procedures.

Please note that a complaint must include all concerns present at the initial stage. Unraised or new concerns cannot be introduced during the complaints process although these can form part of a new complaint.

When a complaint is made it is essential that:

- 1) School staff act professionally (see Appendix 2 Section 3) and
- 2) Complainants behave in a reasonable manner (see Appendix 2 Section 4)

The process for complaint differs slightly for different staff members within the Trust in terms of who is informed and who is responsible for arranging panels, but remains consistent in terms of process.

Complaint Regarding	Complaint Directed To	Complaint Stages
Teaching Staff	Teaching Staff	See <u>section A</u> for full details of each stage; <ul style="list-style-type: none"> • Informal • Informal - Escalation • Formal - Letter to CEO • Formal - Letter to Chair of School Governance Committee • Formal - School Governance Committee Appeal Panel
Support Staff	Headteacher	See <u>section B</u> for full details of each stage; <ul style="list-style-type: none"> • Informal • Informal - Escalation • Formal - Letter to CEO • Formal - Letter to Chair of School Governance Committee • Formal - School Governance Committee Appeal Panel
Headteacher	Headteacher	See <u>section C</u> for full details of each stage; <ul style="list-style-type: none"> • Informal • Formal - Letter to Headteacher • Formal - Letter to CEO • Formal - Letter to Chair of School Governance Committee • Formal - School Governance Committee Appeal Panel
School Governance Committee	Chair of School Governance Committee	<ul style="list-style-type: none"> • Formal - Letter to Chair of School Governance Committee
Chair of School Governance Committee	Chair of School Governance Committee	<ul style="list-style-type: none"> • Formal - Letter to Chair of School Governance Committee
Tilian Central Staff	Tilian Central Staff member	See <u>section D</u> for full details of each stage;

		<ul style="list-style-type: none"> • Informal • Formal - Letter to CEO • Formal - Letter to Chair of the Trust Board • Formal - Trust Board Appeal Panel
CEO	CEO	<ul style="list-style-type: none"> • Informal • Formal - Letter to CEO • Formal - Letter to Chair of the Trust Board • Formal - Trust Board Appeal Panel
Chair of the Trust Board	Academy Trust	<ul style="list-style-type: none"> • Formal - Letter to Academy Trust
School Policy / Procedure	School Governing Body (addressed to the Chair)	<ul style="list-style-type: none"> • Formal - Letter to Chair of the School Governing Body
Trust Policy / Procedure	School Governing Body (addressed to the Chair) - to forward to the CEO	<ul style="list-style-type: none"> • Formal - Letter to Chair of the School Governing Body

- For complaints about a teacher, other than the Headteacher, please refer to section A.
- For complaints about a member of school support staff eg a teaching assistant, office staff etc, please refer to section B
- For complaints about the Headteacher or Head of School, please refer to section C.
- For complaints about a member of the Tilian Trust central staff please refer to section D.
- If complaints are in regard to a policy or procedure, the complaint should be made to the School Governance Committee (addressed to the Chair of SGC at the school). If the policy is a Trust policy then the Chair will forward this complaint to the CEO.

Section A - Complaints about an incident in class or about a teacher (other than the Headteacher)

STEP A1: Informal

Please ask the teacher for an appointment - this can be done by speaking directly to the teacher or by contacting the school office for an appointment.

Start by telling the class teacher about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the class teacher to make a brief written record of the concern raised and any actions agreed.

If you feel dissatisfied with the outcome of discussions with the class teacher please escalate the concern by progressing to Step 2

STEP A2: Informal - escalation

Please make an appointment with the Headteacher by contacting the school office.

- The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher so far and any actions arising from the initial meeting
- It is in everyone's interest, particularly the child or children involved, for concerns to be sorted out quickly and smoothly. However, it may be that the Headteacher will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.
- The Headteacher will make a written record of the concern discussed and what has been agreed and then write to parents summarising this.

It is hoped that most problems will have been resolved at this stage through the informal process. If the concern has not been resolved then please make a formal complaint by progressing to Step 3

STEP A3: Formal - complaint letter to the CEO

If the response from the Headteacher has not provided a reasonable resolution to the issue raised (ie if the actions suggested do not fully address the complaint) and you wish to pursue it further you may raise it through the formal procedure.

Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved. To do this you must write a formal letter of complaint to the CEO within 5 working days of the receipt of the letter from the Headteacher. The CEO will notify the Chair of Governors that a complaint has been made but this will not include any details to preserve the independence of the the next stage of the process.

NB: This should be by a paper letter addressed to the CEO and sent to the school office or in an email (marked in the subject line as “Formal Complaint - for the attention of the CEO”) sent to the school office with a letter attached.

Your letter must:

1. set out clearly the concern which has previously been discussed
2. Include the letter from the Headteacher and indicate why you feel that the issue is unresolved explaining why the suggested actions do not address the concern
3. set out in your letter what resolution you are seeking

If this information is not received, the CEO will return the complaint asking for this information to be included. If this is not provided the complaint will not progress.

The CEO may be the investigator of the complaint or may appoint an investigator.

The investigator will consider the complaint and in doing so will:

- establish what has happened so far, and who has been involved;
- contact you if they need further information;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct any interview with an open mind and be prepared to persist in the questioning;
- keep notes of any interview for the record.

The investigator will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better (n.b. this is not an admission of negligence);
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review policies in light of the complaint.
- It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The investigator will send a detailed written response within 20 school days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

STEP A4: Formal – complaint letter to Chair of School Governance Committee

Please note: A complaint can only be escalated to the Chair of the School Governance Committee

if the investigator's report is inaccurate or if any areas of the complaint have not been addressed.

If this is the case you must write a formal letter of complaint (paper copy or email) to the Chair of the School Governance Committee within 10 working days of the receipt of the investigator's report. The school will provide you with the Chair's name and you should write to him/her at the school address, marking the correspondence 'urgent, private and confidential'.

When writing to the Chair of the School Governance Committee you must explain the reasons why the response from the investigator was inaccurate or did not address the complaint(s).

The Chair of the School Governance Committee should acknowledge receipt of the letter within 5 school days.

The Chair will review your complaint and respond to you within 15 further school days indicating if further time is required to provide a full response.

The Chair's response will advise you as to whether the Chair considers that there were inaccuracies and/or points not addressed. If the Chair believes that the report is accurate and addresses all points of the complaint then the response will inform you of this. If the Chair believes that there were inaccuracies and/or complaints were not addressed the Chair will respond with the reasons for their decision and propose further actions

STEP A5: School Governance Committee Appeal Panel

If you have been through the preceding steps and you believe there remain inaccuracies or complaints not addressed, you may ask for your complaint to be heard by an Appeal Panel. This is a specific committee of the School Governance Committee set up for this purpose. You can do this by putting your request in writing to the Chair of the School Governance Committee within 10 working days of your receipt of the Chair's response letter.

The Chair will then make arrangements to convene a hearing by the Appeal Panel in accordance with the protocol set out in Appendix 1. On conclusion of the appeal hearing, the Panel's decision is regarded as final and all steps within the complaints procedure are exhausted.

Section B - Complaints about a member of support school staff (eg TAs, offices staff etc)

STEP B1: Informal

If your complaint is about a Teaching Assistant, member of support staff or Midday Supervisors then please follow the procedures in section A, starting at Step A2.

Section C - Complaints about the Headteacher (or Head of School)

STEP C1: Informal

Please ask the headteacher for an appointment - this can be done by speaking directly to the head or by contacting the school office for an appointment.

Start by telling the headteacher about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the headteacher as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the headteacher to make a brief written record of the concern raised and any actions agreed.

If you feel dissatisfied with the outcome of discussions with the headteacher please escalate the concern by progressing to Step 2

STEP C2: Formal - escalation

Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.

Please write to the Headteacher at the school (addressing your letter to the Head and marking it Private and Confidential) explaining your concern within 5 days of the meeting/response from the Headteacher.

The Headteacher will make a written response to your complaint within 10 working days of receiving this letter.

STEP C3: Complaint letter to the CEO

See step A3

STEP C4: Formal – complaint letter to Chair of School Governance Committee

See step A4

STEP C5: School Governance Committee Appeal Panel

See step A5

Section D - Complaints about a member of Tilian central staff (other than the CEO)

STEP D1: Informal

Please ask the staff member for an appointment - this can be done by contacting the Tilian office for an appointment.

Start by telling the staff member about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the staff member as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the staff member to make a brief written record of the concern raised and any actions agreed.

If you feel dissatisfied with the outcome of discussions with the staff member please escalate the concern by progressing to Step 2

STEP D2: Formal - complaint letter to the CEO

See step A3

STEP D3: Formal – complaint letter to Chair of Tilian Trust Board

Please note: A complaint can only be escalated to the Chair of Tilian Trust Board if the investigator's report is inaccurate or if any areas of the complaint have not been addressed.

If this is the case you must write a formal letter of complaint (paper copy or email) to the Chair of The Tilian Trust within 10 working days of the receipt of the investigator's report. The school will provide you with the Chair's name and you should write to him/her at the school address, marking the correspondence 'urgent, private and confidential'.

When writing to the Chair of the Tilian Trust you must explain the reasons why the response from the investigator was inaccurate or did not address the complaint(s).

The Chair of Trust should acknowledge receipt of the letter within 5 school days.

The Chair will review your complaint and respond to you within 15 further school days indicating if further time is required to provide a full response.

The Chair's response will advise you as to whether the Chair considers that there were inaccuracies and/or points not addressed. If the Chair believes that the report is accurate and addresses all points of the complaint then the response will inform you of this. If the Chair believes that there were inaccuracies and/or complaints were not addressed the Chair will respond with the reasons for their decision and propose further actions

STEP D4: Trust Appeal Panel

If you have been through the preceding steps and you believe there remain inaccuracies or complaints not addressed, you may ask for your complaint to be heard by an Appeal Panel. This is a specific committee of the Trust Board set up for this purpose. You can do this by putting your request in writing to the Chair of the Tilian Trust within 10 working days of your receipt of the Chair's response letter.

The Chair will then make arrangements to convene a hearing by the Appeal Panel in accordance with the protocol set out in Appendix 1. On conclusion of the appeal hearing, the Panel's decision is regarded as final and all steps within the complaints procedure are exhausted.

Complaints about the CEO

For complaints specifically about the CEO, you will need to follow the following process

Step 1: Informal complaint - asking for a meeting with the CEO to explain the complaint

Step 2: Writing a letter of formal complaint to the CEO

Step 3: Escalating the complaint to the Chair of the Trust Board - the Chair of the Trust Board will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator

Step 4: Appeals Panel Hearing of the Trust Board

Concerns or complaints specifically about a member of the School Governance Committee

Complaints about the conduct of a member of the School Governance Committee should be made in writing and addressed to the Chair of the School Governance at the school address.

Concerns or complaints specifically about the Chair of the School Governance Committee

Complaints about the conduct of the Chair of the School Governance Committee should be made in writing and addressed to the Chair of the Trust Board at the Tilian Office.

Concerns or complaints specifically about the Chair of Trust Board

A complaint about the conduct of the Chair of the Trust Board, and which has not been resolved at the informal stage, will need to be dealt with outside this policy. This should be made in writing to the Academy Trust (contact details can be obtained from the school). The recipient's response will include options if the complaint is unresolved which might involve moving to Step 5, the Trust Board's Complaints Appeal Panel.

Exclusions to this policy and vexatious complaints

Exclusions to the policy:

- **Safeguarding referrals** – schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually local authority children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.
- **Allegations of abuse** – allegations of abuse against a member of school staff must be reported to the Headteacher (or CEO in their absence) immediately. Allegations of abuse against the Headteacher must be reported to the CEO immediately. Allegations of abuse against the CEO must be reported to the Chair of Trust Board immediately. In all cases the Suffolk Safeguarding Children Board [Arrangements For Managing Allegations Of Abuse Against People Who Work With Children Or Those Who Are In Positions Of Trust](#) must be followed.

Vexatious complaints:

The majority of complaints are resolved through a properly managed complaints procedure.

However, there are occasions when:

- despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Trust Board will write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed.
- complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with Appendix 2 of this procedure

Finally, if on conclusion of this procedure you feel that the Trust Board has acted unreasonably ie not following this policy, then you may make a complaint to the ESFA by using the [school complaints](#) website

Appendix 1

Protocol for complaint heard by Governing Body's Appeal Panel

In this appendix the Term Governing Body is used to cover both the School Governance Committee (for complaints in sections A, B and C) and the Trust Board (for complaints in section D).

The Governing Body's Complaints Appeal is the last stage of the complaints process and is not convened merely to rubber-stamp previous decisions. Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint where the complaint is substantiated and may proceed to action being taken under formal procedures.

The Governing Body will create an Appeal Panel. The membership of this panel will contain at least three Trustees or SGC Governors dependent upon who is organising the panel and at least one independent person (a suitably independent individual who can fulfil the role and responsibility of being the independent member).

This panel will be delegated powers to hear complaints, and set out its terms of reference.

These can include:

- Drawing up and reviewing its procedures;
- Hearing individual complaints;
- Making recommendations on policy as a result of complaints.

The remit of the Complaints Appeal Panel in relation to complaints:

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.

Members of the Appeal Panel need to be mindful of the following:

- a) At least one member of the panel must be independent of the leadership and membership of the school ie must not be a Governor
- b) It is important that the appeal hearing is independent and impartial and that it is seen to be so. Therefore, no governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- c) 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. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does

not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- d) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Roles and responsibilities for the Complaints Appeal Panel

The role of the Chair of Governors

- Check that the correct procedure has been followed;
- If a hearing is requested, coordinate with the Clerk to ensure arrangements have been made to convene the Panel.

The role of the Clerk

It is strongly recommended that the Appeal Panel Hearing is clerked. The Clerk will:

- Set the date, time and venue of the hearing, ensuring that dates are convenient, as far as practicable, to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties at least five school days in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Make a written record of the proceedings;
- Notify all parties of the Panel's decision.

The role of the Chair of 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 and 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 all parties should be given the opportunity to consider and comment on it.

The procedure for the hearing

1. The Complainant is asked to notify the Clerk of any witnesses to be called in advance of the hearing and establish the relevance of their evidence to the complaint under consideration. It will be the responsibility of the Complainant to make contact with any witnesses they wish to call, once the relevance of their evidence has been established, and to notify them of the date, time and venue of the meeting.
2. The Complainant can be accompanied at the hearing and is asked to notify the clerk if

they will be accompanied

3. The Complainant may make an oral statement as part of the presentation of his/her complaint and may call witnesses to supplement the written complaint.
4. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
5. The investigating officer, will make a short statement on the report
6. In cases where a formal complaint has been considered by the Chair, the Chair may make an oral statement
7. The Complainant will have the opportunity to ask questions of any witnesses. The Panel may also ask questions.
8. Either party may request an adjournment of the hearing at any stage and this may be allowed on the grounds that further inquiries are necessary, but it should also be borne in mind that a speedy resolution of the complaint is usually desirable and advantageous.
9. Use of inappropriate language or threatening behaviour will not be tolerated. If the Chair of the panel considers the behaviour of any person to be unacceptable they will be informed and if this behaviour continues the Hearing will be stopped
10. When the Chair is satisfied that all issues raised by the Complainant have been clarified for the benefit of all parties, he/she will end the panel meeting.
11. All parties to the hearing will then withdraw. The Panel, advised by the Clerk, will then deliberate. If it is necessary to recall either party or any witnesses to assist with clarifying any particular point of uncertainty, this may only be done with both parties present.

Notification of the Panel's decision

The Panel's decision is to be regarded as final.

The Chair of the Panel needs to ensure that the Complainant is notified of the Panel's decision and any recommendations made in writing, including the reasons for the decision. Where relevant, the person complained about will also receive a copy of this letter. This will usually be within five school days, unless there are exceptional circumstances which prevent this, in which case the Complainant will be notified of this and the reason for delay.

Retaining, Recording and reporting of formal complaints

The school will keep a record of all formal complaints including action taken by the school as a result of those complaints (regardless of whether they were upheld).

A copy of the final decision letter will be retained on the school premises for the inspection by the Headteacher and/or the Trust.

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

Appendix 2

POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT IN TILIAN PARTNERSHIP SCHOOLS

The CEO and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the **Complaints Procedure**. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

1. AIMS OF POLICY

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 pupils, staff and everyone else who has legitimate interest in the work of the School, including Trustees and parents
- deal fairly, honestly and properly 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. HUMAN RIGHTS

2.1 In implementing this policy the Trust Board will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants, staff and all other stakeholders.

3. PARENTS' EXPECTATIONS OF THE SCHOOL:

3.1 Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to:

- a. regularly communicate to parents/carers in writing:
 - i. how and when problems can be raised with the School,
 - ii. the existence of the School's complaints procedure, and
 - iii. the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- b. respond within a reasonable time
- c. be available for consultation within reasonable time limits bearing in mind the needs of

- the pupils/pupils within the school and the nature of the complaint
- d. respond with courtesy and respect
- e. attempt to resolve problems using reasonable means in line with the School's complaints procedure and other policies and practice
- f. keep complainants informed of progress towards a resolution of the issues raised

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

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 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

5. WHO IS A PERSISTENT COMPLAINANT?

5.1 For the purpose of this policy, a persistent complainant is a parent/carer or 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:

- 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. an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d. an insistence upon pursuing complaints in an unreasonable manner
- e. 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.

5.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) 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.

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

- a. 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.
- b. This will be confirmed in writing (Model Letter 1).
- c. 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:
 1. 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)
 2. 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)
 3. inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only (see Model Letter 2)
 4. (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban.
- d. Legitimate new complaints will 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.
- e. 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.
- f. Section 547 makes it an offence for a trespasser on school premises to cause or permit a nuisance or disturbance, and allows for the removal and prosecution of any person believed to have committed the offence. The penalty for a person convicted of the offence is a fine of up to £500.

A parent/carer of a child attending a school normally has implied permission (limited licence) to be on the school's premises at certain times and for certain purposes but if their behaviour is unreasonable this permission may be withdrawn and they will become a trespasser. A person who nevertheless persists in entering the school premises and displaying unreasonable behaviour may be removed and prosecuted under section 547.

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 [*describe 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 the School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

Yours sincerely

CEO

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.

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

*[*Delete as applicable]*

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

- 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.

* For the foreseeable future, all routine communication with the School should be by letter only. Please address letters to at the School. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

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 – or to parents' evenings, which will continue as in the past, but with a third party from the school present.

These arrangements take effect straightaway. 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 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

CEO