

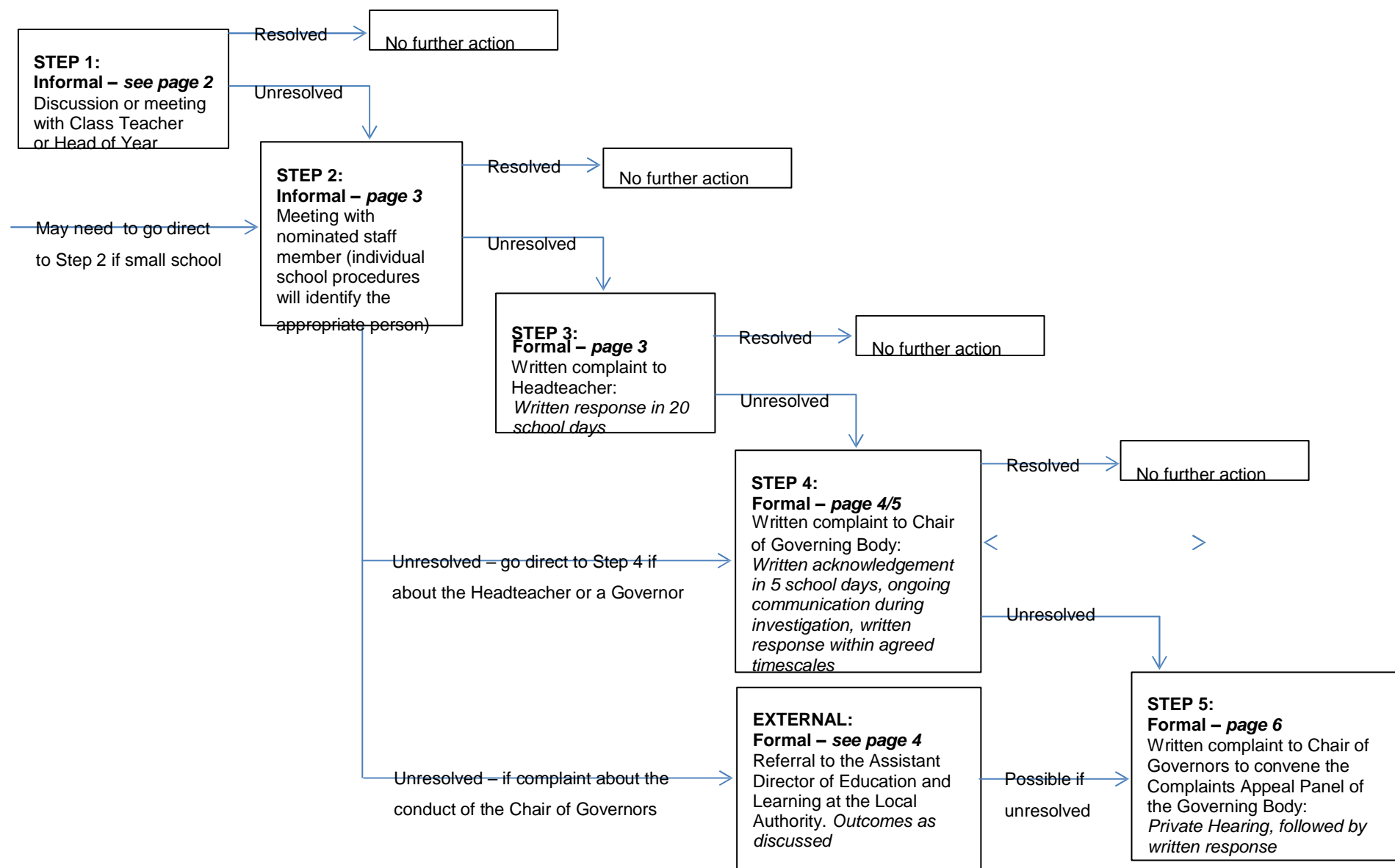
Cavendish Church of England Primary School



Complaints Procedure

Signed: On behalf of the Governing Body	
Signed: Headteacher	
Date:	Autumn Term 2020
Date to be Reviewed:	Autumn Term 2021

Flowchart of procedure for handling concerns and complaints:



Our Vision

In our school our Christian vision shapes all we do.

Challenge, Creativity, Compassion: Create a pure heart in me – Psalm 51:10

Our School Vision Statement reflects this commitment as children and staff are taught to challenge inequality, prejudice, bullying and harm; to respond with compassion and sensitivity to individual need and to respect the rights of all individuals to be safe and nurtured within God's world.

We encourage children to respond creatively to internal and external challenges in life, with compassion for others, including consideration for creation and the planet itself. Thus we show how to live justly and with a pure heart, reflecting the teachings of Jesus and God's love within our school environment.

SCHOOL COMPLAINTS PROCEDURE

All schools in Suffolk, including Cavendish Church of England Primary School, 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 or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

School governing bodies 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 complaints will be referred to the school in the first instance. In situations where it has not been possible to settle a complaint through this process the Local Authority may be able to advise parents/carers/others and the school in order to help resolve difficulties, but will not be able to become involved if the steps set out below have not been followed.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

If governors are approached regarding a complaint, they should be mindful not to act in an individual complaint outside the formal procedure or become involved or have discussions with other governors at the early stages in case they are needed to sit on a Complaints Appeal Panel at a later stage of the procedure. 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 to consider further action in the event that a serious complaint is substantiated.

STEP 1: Informal

Please 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.*

STEP 2: Informal: escalation

If you feel dissatisfied with the outcome of discussions with the class teacher, please ask for an appointment to meet with the Headteacher who is responsible for the operation and management of the school complaints procedure.

- *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, 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.*
- *It is good practice for the Headteacher to make a brief written record of the concern discussed and what has been agreed and to write to parents summarising this.*

It is hoped that most problems will have been resolved at this stage through the informal process.

STEP 3: Formal - complaint letter to the Headteacher

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further you may raise it through the formal procedure. To do this you must write a formal letter of complaint to the Headteacher (*you may use the form attached as Appendix 2, page 12*). Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

- *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.*
- *The Headteacher will consider the complaint and in doing so should:*
 - *establish what has happened so far, and who has been involved;*

- o *clarify the nature of the complaint and what remains unresolved;*
- o *meet or contact you if they need further information;*
- o *clarify what you feel would put things right if this has not been set out in your letter;*
- o *interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;*
- o *conduct any interview with an open mind and be prepared to persist in the questioning;*
- o *keep notes of any interview for the record.*

The Headteacher 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:

- o *an apology;*
- o *an explanation;*
- o *an admission that the situation could have been handled differently or better (please note this is not an admission of negligence);*
- o *an assurance that the event complained of will not recur;*
- o *an explanation of the steps that have been taken to ensure that it will not happen again;*
- o *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 Headteacher will discuss the outcome of their consideration of your complaint with you and should send a 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.*

Concerns or complaints specifically about the Headteacher or any individual governor

Where you are unhappy about the decision the Headteacher has made about your complaint, this does not become a complaint about the Headteacher. However, if the complaint is about the conduct of the Headteacher, and you feel that it has not been resolved at the informal stage then you should move directly to Step 4 of the procedure and write to the Chair of Governors.

A complaint that is specifically about the conduct of an individual governor, and which has not been resolved at the informal stage, should also proceed directly to Step 4 and be made by writing to the Chair of Governors.

Concerns or complaints specifically about the Chair of Governor

A complaint about the conduct of the Chair of Governors of the school, and which has not been resolved at the informal stage, will need to be dealt with outside this policy. For schools maintained by Suffolk County Council the complaint should be made in writing to the Assistant Director of Education and Learning (Endeavour House, 8 Russell Road, Ipswich, IP1 2BX). The recipient's response will include options if the complaint is unresolved which might involve moving to Step 5, the Governing Body's Complaints Appeal Panel.

STEP 4: Formal – complaint letter to Chair of Governors

If you are not satisfied with the response of the Headteacher or you have a concern or complaint that is specifically about the Headteacher and which has not been resolved at the informal stage, then you must write a formal letter of complaint to the Chair of Governors. The school will provide you with the Chair of Governors name and you should write to him or her at the school address, marking the correspondence 'urgent, private and confidential'.

- *The Chair of Governors should acknowledge receipt of the letter within 5 school days and contact the Strategic Officer at the Local Authority for advice.*
- *For complaints specifically about the Headteacher the Chair of Governors will arrange for the complaint to be investigated, either by him/herself or by an appropriate independent investigator, and for the process set out in Step 3 to be followed.*

STEP 5 – Governing Body Hearing

You may ask for your complaint to be heard by the Complaints Appeal Panel of the School's Governing Body. This is a specific committee of the governing body set up for this purpose, and in many Suffolk schools this has been previously known as "the Hearings Committee". You can do this by putting your request in writing to the Chair of Governors. The Chair of Governors, or if the Chair has been involved at any previous stage in the process, a nominated governor, will then make arrangements to convene a hearing by the Complaints Appeal Panel in accordance with the protocol set out in Appendix 1.

On conclusion of the governing body hearing, the Panel's decision is regarded as final and all steps within the School's complaints procedure are exhausted.

Finally, if on conclusion of this procedure you feel that the School's Governing Body has acted unreasonably you may make a complaint in writing to the Secretary of State for Education. You may contact the Department for Education by writing to:

The School Complaints Unit (SCU)
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD
or by telephoning: 0370 000 2288
Typetalk: 18001 0370 000 2288
Fax: 0161 600 1332

www.education.gov.uk/schoolcomplaints

This procedure is based upon DfE guidance Best Practice Advice for School Complaints Procedures (January 2016)

Limitations, time-limits and serial or persistent complaints

Time limits

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, unless there are exceptional circumstances, complaints made under this procedure will ordinarily be rejected if they are not brought within 12 months of the incident or action which is the reason for the complaint. Exceptional circumstances will be determined by the Headteacher/Chair of Governors on a case by case basis, and advice may be sought from the Local Authority in this regard.

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 the Local Authority's 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, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the safeguarding policy.

Allegations of abuse

Allegations of abuse against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors 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.

Serial and Persistent 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 Governors may 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 the school policy for serial or persistent complaints in Appendix 3 of this procedure (*page 13*).

Protocol for a complaint heard by Governing Body's Complaints Appeal Panel (for Suffolk County Council maintained schools)

On conclusion of the formal steps, Complainants can ask for their complaint to be heard by a committee of the governing body by writing to the Chair of Governors via the school, marking the correspondence 'urgent, private and confidential'.

Then the Chair of Governors or, if the Chair has been involved at any previous stage in the process, a nominated governor, will make arrangements to convene a meeting of the Governing Body's Complaints Appeal Panel.

The governors' hearing is the last school-based 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 may nominate a number of members with 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.

There are several points which any governor sitting on the Complaints Appeal Panel needs to be mindful of:

- a) 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.
- b) 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.

- c) 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 the Governing Body

- Check that the correct procedure has been followed;
- If a hearing is requested, co-ordinate with the Clerk to the Governing Body to ensure arrangements have been made to convene the panel.

The role of the Chair of the Panel

The Panel Chair has a key role in ensuring that:-

- The meeting is minuted;
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child.
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- The panel is open-minded and acts independently;
- No member of the panel has external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Both the complainant and the school are given the opportunity to state their case and seek clarity;
- Liaise with the Clerk and Headteacher.

The role of the Clerk

The school will ensure that the panel of governors considering complaints is professionally clerked.

The school may purchase the services of an appropriate note-taker through the Local Authority if they wish by contacting Schools' Choice, www.schoolschoice.org, e-mail: services@schoolschoice.org, tel: 0300 123 1420.

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

and send this information 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;
- Liaise with the Headteacher.

The role of the Panel Member

Panellists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so;
No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 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 must be recognized 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.
- Many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child and present during all or part of the hearing;
Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel should respect the views of the child and given them equal consideration to those of adults.
If the child is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
The parent should be advised however that agreement might not always be possible if the parent wishes the child to attend a part of the meeting which the panel considers not to be in the child's best interests.
- The welfare of the child is paramount.

The procedure for the hearing

1. 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. 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. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
3. The Headteacher will have the opportunity to ask questions of the Complainant and any witnesses. The Panel may also ask questions.

4. The Headteacher may make an oral statement about the complaint and as part of his/her presentation may call witnesses. The Headteacher 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.
5. The Complainant will have the opportunity to ask questions of the Headteacher and any witnesses. The Panel may also ask questions.
6. In cases where a formal complaint has been considered by the Chair of Governors under Step 4 of the procedure, or has been investigated by an independent investigator, the Chair of Governors/investigator may make an oral statement and be asked questions.
7. When the Chair is satisfied that all issues raised by the Complainant have been clarified for the benefit of all parties, he/she will invite the Headteacher and the Complainant to make final statements about the complaint if they so wish.
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. 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 Chair of the Panel needs to ensure that the Complainant is notified of the Panel's decision in writing, including the reasons for the decision. 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.

The Panel's decision is to be regarded as final and the Complainant will be advised of any further recourse available should he or she be dissatisfied with the outcome, such as to the Secretary of State. Full details about how to contact the School Complaints Unit can be found in the DFE *Best Practice Advice for School Complaints Procedures 2016* (January 2016), page 15.

COMPLAINT FORM- STEP 3. FORMAL COMPLAINT

Please complete and return to the Headteacher of Cavendish Church of England Primary School who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

POLICY FOR DEALING WITH PERSISTENT OR SERIAL COMPLAINTS / HARASSMENT IN SCHOOLS

Cavendish Church of England Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

In implementing this policy the School 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 and all other stakeholders.

Cavendish Church of England Primary School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;

- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

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

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Cavendish Church of England Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Cavendish Church of England Primary School

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The school will therefore act to ensure they remain a safe place for children, staff and other members of their community.

If a parent's behaviour is a cause for concern, the school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR SERIAL COMPLAINTS OR HARASSMENT

In the first instance the School will verbally inform the complaint 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.

This will be confirmed in writing (Model Letter 1).

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 complaint's behaviour and the effect of this on the school community:

- a) inform the complaint in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2)
- b) inform the complaint that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see Model Letter 2)
- c) inform the complaint that, except in emergencies, all routine communication with the Complaint to the School should be by letter only (see Model Letter 2)
- d) (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 Complaint about being banned from the School site; or proceed straight to a temporary ban. (Advice is available from the relevant Strategic Manager)
- e) consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation

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 Serial Complaints and/or Harassment in Schools. In these circumstances advice may be sought from the Local Authority.

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

REVIEW

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

MODEL LETTER 1:

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

RECORDED DELIVERY

Dear

This letter is to inform you that Cavendish Church of England Primary 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 Serial 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

Headteacher

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 student*] – 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

Headteacher

Summary of Role and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (Headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator (Headteacher)

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information; effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send this information to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- The meeting is minuted;
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child.
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- The panel is open-minded and acts independently;
- No member of the panel has external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Both the complainant and the school are given the opportunity to state their case and seek clarity;
- Liaise with the Clerk and Headteacher.

Panel Member

Panellists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- 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 must be recognized 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 this or her complaint has been taken seriously.

- Many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- Extra care needs to be taken when the complainant is a child and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel should respect the views of the child and given them equal consideration to those of adults.

If the child is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child to attend a part of the meeting which the panel considers not to be in the child's best interests.

- The welfare of the child is paramount.

Complaints not in scope of the procedure

The complaints procedure of Cavendish Church of England Primary School covers all complaints about provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> - Admissions to schools - Statutory assessments of Special Education Needs (SEN) - School re-organisation proposals - Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised directly with Suffolk County Council</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman</p>
<ul style="list-style-type: none"> - Exclusion of children from school 	<p>Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions</p>
<ul style="list-style-type: none"> - Whistleblowing 	<p>The school has an internal whistleblowing procedure for its employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> - Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of an investigation.</p>
<ul style="list-style-type: none"> - Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.</p>

Covid-19 Addendum

The school is committed to positive relationships between children, families, staff and Governors.

Under our current Covid-19 risk assessment and guidelines, any aspect of this policy which states 'a meeting' will be taken to mean a virtual meeting or telephone conversation.

An on-site meeting will only be able to take place in exceptional circumstances, adhering to national guidelines regarding social distancing and other control measures.

Where an on-site meeting is deemed essential, an individual risk assessment will be sent prior to the meeting and the school will need written agreement by the complainant that they will agree to uphold the details specified within the agreement.

The Headteacher or Governor may stop the meeting at any point if they consider there to be a breach of the risk assessment.