



# **Complaints Procedure**

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We welcome suggestions for improving our work in school. Be assured that, no matter what you want to tell us, our support and respect for your child will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate an incident or problem properly if it took place some time ago. We do appreciate the assistance we receive from parents in addressing any problems that arise.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Park Road Sale Primary about any provision of facilities or services that we provide.

The policy will be relied upon in respect of **all concerns or complaints** by complainants and pupils made against the school **except** in respect of;

(a) **Admissions to schools; Statutory assessments of Special Educational Needs (SEN); School re-organisation proposals; Matters likely to require Child Protection Investigation** - Concerns should be raised direct with local authorities (LA). For school admissions, there is a separate appeals process and complaints are dealt with by the Local Government Ombudsman.

(b) **Exclusion of children from school** - Further information about raising concerns about exclusion can be found at: <https://www.gov.uk/school-discipline-exclusions>

(c) **Whistleblowing** – The school has an internal whistleblowing procedure for employees and voluntary staff

(d) **Staff grievances and disciplinary procedures** - These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

(e) **Complaints about services provided by other providers who may use school premises or facilities** - Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

(f) **Matters likely to require a Child Protection Investigation** - Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding

## AIMS AND OBJECTIVES OF THE POLICY

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Maintain good working relationships between all people involved with the school.

## LEGISLATION AND GUIDANCE

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents/carers of pupils at the school.

It is also based on [best practice guidance for academies complaints procedures](#) published by the Education and Skills Funding Agency (ESFA).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage (EYFS) requirements.

## THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Park Road takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We receive very few complaints. Problems sometimes arise from misunderstandings which are easily addressed. Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher. When parents and teachers treat each other with mutual respect and support, this provides a very good role model for all our children.

The school will do all it can to resolve concerns or complaints and to ensure complainants are happy with the education their child receives at the school. Complainants' and pupils can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and will be dealt with in a sensitive, impartial and confidential manner. The school will seek to resolve complaints in an open and transparent manner and acknowledge that complaints can foster opportunities for development and improvement. It should also be noted that serial or malicious complaints may incur appropriate action by the school.

In most cases any concern or complaint, should be discussed informally with the class teacher (stage 1) before being submitted at any of the following consecutive formal stages. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to

deal with a concern, we will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

If you still have concerns, you should see one of the Deputy Headteachers or Headteacher. She will investigate the problem and discuss her findings with you so that we can find a way forward together which serves the best interest of both the school and your child. In the unlikely event of the problem remaining unresolved, you can raise your concerns formally and put your complaint in writing and we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures.

Every complaint will receive fair and proper consideration and a timely response but in order for the school to investigate a complaint, it needs to be made within 3 months of the incident/issue occurring. If a complaint is older than 3 months it will not normally be investigated.

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Trust, if appropriate, will determine whether the complaint warrants an investigation.

## MONITORING COMPLAINTS

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

## UPHOLDING OR NOT UPHOLDING COMPLAINTS

At each stage of the complaints procedure, the conclusion will be either:

1. That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.  
Or
2. That the complaint is not upheld and reasons for this are clearly given.

In the first instance, 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;

- 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 school policies in light of the complaint.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

## CONFIDENTIALITY

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

## EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. This includes the right to be accompanied by a friend or relative at discussions and hearings.

The DfE recommend that neither the complainant nor the school bring legal representation. These committees are not a form of legal proceedings.

The aim of the panel hearing should be:

- reconciliation
- to put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate during panel hearings. For example, if a school or trust employee is a witness in a complaint, they may be entitled to bring union or legal representation.

If a complaint concerns the Headteacher, the trust are advised to work with Trafford from the outset. In exceptional circumstances, Trafford is able to investigate on behalf of either the Headteacher or Trustees. Where possible, the intention will always be for Trafford to support the school in its own investigations rather than take complete responsibility for them itself.

## TIME SCALES

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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- › Set new time limits with the complainant
- › Send the complainant details of the new deadline and explain the delay

## TIME BETWEEN STAGES

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible. If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Park Road in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

## WHAT DOES THE SCHOOL EXPECT OF ANY PERSON WISHING TO RAISE A CONCERN?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- not approach individual trustees about the complaint ;
- not publish details about the complaint on social media;
- recognise the time constraints under which members of staff in schools work and
- allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

## THE STAGES OF THE COMPLAINT

We have adopted a 3-stage process for dealing with complaints:

- › Stage 1 – informal resolution
- › Stage 2 – formal investigation
- › Stage 3 – review panel

#### STAGE 1 INFORMAL RESOLUTION: COMPLAINT HEARD BY STAFF MEMBER

If complainants have a concern or complaint they should normally contact their child's class teacher. In many cases the matter will be resolved immediately by this means to the complainants' satisfaction. In some circumstances however, the matter will require investigation or discussion with others and so it may take longer to respond to the complainants. It is in everyone's interest that complaints are resolved at the earliest possible stage, quickly and informally.

- Parents discuss concerns with the class teacher
- If the teacher is unable to deal immediately with the matter, a clear note is made, including complainant's name, phone number and date, and the parent is contacted as soon as the matter has been investigated. The teacher may also consult the Key Stage Leader or Deputy Headteacher at this stage.
- The teacher ensures that the parent is clear what action or monitoring of the situation has been agreed.
- If no satisfactory solution has been found, parents are asked if they wish their concern to be considered further in accordance with stage 2 of this procedure.

Where the complaint concerns the Headteacher or a Trustee, the complainant should be referred to the Chair of Trust (or Vice Chair if it involves the Chair). The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a trustee, the next step would be to refer the complainant to the appropriate person within school and advise them about the procedure.

Trustees should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Trustees should seek advice from the Clerking Service.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

#### STAGE 2 FORMAL RESOLUTION: COMPLAINT HEARD BY DEPUTY HEADTEACHER / HEADTEACHER

If the complaint cannot be resolved on an informal basis then complainants should notify the Headteacher of their complaint in writing. Complainants should also identify how they wish their complaint to be resolved.

Complaints against school staff (except the head teacher) should be made in the first instance, to Mrs Walmsley (the Headteacher) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to Mr P Martin (the Chair of Trust), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Trust, any individual trustees or the whole trust board should be addressed to Mrs J Lawson (the Clerk to the Trust) via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

The Headteacher will usually delegate responsibility for undertaking the investigation of the complaint to one of the Deputy Headteachers in appropriate circumstances unless the Headteacher deems it appropriate for her to deal with the matter personally.

The Deputy Headteacher/Headteacher will decide, after considering the complaint, the appropriate course of action but will endeavour to resolve the matter as speedily as possible.

The complainant must put their complaint in writing (A complaints form for this purpose is in the appendix)

In most cases, the Deputy Headteacher/Headteacher will meet or speak with the complainants concerned to discuss the matter, to clarify and supplement any information given. The Deputy Headteacher/Headteacher will use reasonable endeavours to speak to or meet complainants within 10 working days of the formal complaint being received. In cases where the complaint is received during school holidays or within 2 working days of their commencement, the Deputy Headteacher/Headteacher will use their reasonable endeavours to speak or meet with complainants as soon as possible after the commencement of the new term (usually within 10 working days).

The Deputy Headteacher/Headteacher investigates further, interviewing witnesses as appropriate. If the complaint centres on a pupil, the pupil would normally be interviewed with a parent present or, if this is not possible, with a member of staff who is not directly involved.

The Deputy Headteacher/Headteacher keeps written records of meetings, telephone conversations and other documentation. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.

Once the Deputy Headteacher/Headteacher is satisfied that, so far as is reasonably practicable, all of the relevant facts have been established, a decision will be made. Complainants will be informed of this decision, giving reasons for the decision including the steps/action the school has taken to resolve the issue. If the complaint was in writing, a written response will be sent. The decision will normally be provided no later than 10 working days after the Deputy Headteacher/Headteacher has met with complainants to discuss the matter. The Deputy Headteacher/Headteacher may also arrange a further meeting with the complainants to explain their decision.

Where complainants are dissatisfied with the result at Stage Two they should notify the Headteacher/ Chair of Trust as appropriate in writing within 10 working days of receiving the school's response under Stage Two. The matter will then be dealt with under Stage Three of the procedure.

## STAGE 2 (FORMAL): COMPLAINT HEARD BY CHAIR OF TRUSTEES

If the complainant is about the Headteacher or a Trustee, the complainant should write to the Chair of Trust to request that their complaint is considered further.

If the complaint is regarding the Headteacher or a Trustee, it will be investigated by the Chair of Trust who may conduct the investigation him/herself, delegate it to another trustee or commission an independent investigation. In deciding the appropriate manner for the matter to be investigated the Chair of Trust will take into account the provisions of Part 7 of the Education (Independent school Standards) (England) Regulations 2014. The Chair should seek advice from the Clerk to the Trust and if necessary, HR and Legal Advisors.

## STAGE 3 (FINAL SCHOOL BASED STAGE): COMPLAINT HEARD BY COMPLAINTS APPEAL PANEL

If it has not been possible to resolve the matter at Stage Two of this policy, the complainant usually needs to write to the Clerk to the Trust Board giving details of the complaint and asking that it is put before the appeal panel. The Chair (or Clerk on behalf of the Chair) will convene a complaints appeal panel.

The appeal 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 board 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.

Complainants should provide full detail of their appeal and the reasons why they believe their complaint(s) have not been resolved satisfactorily under the previous three stages of the policy. Complainants should also state the remedy they are seeking.

- Clerk will endeavour to convene a Complaints Appeal Panel hearing as soon as possible during term time to consider the matter, normally no later than 20 working days after his/her receipt of the appeal, dependent upon the availability of Complaints Appeal Panel members. Where it is not reasonably practicable for the hearing to be convened within 20 working days after receipt of the appeal, the complainants' will be notified of the likely timescale for the hearing to take place which must be reasonable in all the circumstances.
- The Complaints Appeal Panel will normally consist of three people; two trustees who have not previously been involved in the complaint, and one person independent of the management and running of the school. They should elect a Chair for the committee. All relevant documentation regarding the complaint should be given to the members of the committee as soon as possible.
- The Clerk to the Trust Board will, on behalf of the Chair of the Committee, write and inform all concerned of the date, time and place of the meeting at least 5 school days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend. Representatives from the media are not permitted to attend. They also have the right to submit further written evidence at least 3 school days before the meeting.

- Any written material will be circulated to all parties at least 2 school days in advance of the meeting.
- It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.
- After due consideration of all the facts and evidence they consider relevant, the Complaints Appeal Panel will reach a decision, and may make recommendations which it shall endeavour to implement within 10 working days of the hearing. Any decision reached that may have financial implications for the school will need the appropriate approval from the Trust Board, although any such approval must be compatible with the decision of the Complaints Appeal Panel.
- The Complaints Appeal Panel's findings and recommendations will be sent by the Clerk in writing to the complainant and the Headteacher (and where relevant the person who is the matter of the complaint), within 10 school days of the hearing. The letter will state the actions taken to investigate the complaint, provide a full explanation for the decision reached and any recommendations made by the Complaints Appeal Panel. Where appropriate it will include details of actions the school will take to resolve the complaint. The decision reached by the Complaints Appeal Panel is the final school based stage of the complaints process.
- The school will keep a record of the action it takes as a result of complaints (regardless of whether the complaint was upheld or not).
- The school will keep a record of all appeals, decisions and recommendations of the Complaints Appeal Panel, which record will be kept for 1 year after the pupil leaves the school. Records will be available for inspection on the school premises by the proprietor and the Headteacher.

### **At the meeting**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't allow either party to bring legal representation. However if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

### **The outcome**

The committee can:

- › Uphold the complaint, in whole or in part
- › Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- › Decide the appropriate action to resolve the complaint
- › Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

## **THE REMIT OF THE COMPLAINTS APPEAL PANEL**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

*There are several points which any trustee sitting on a complaints panel needs to remember:*

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel must be set up by the Trust, comprising of at least 3 people not directly involved in the matters detailed in the complaint – one of whom must be independent of the management and running of the school.

b. The aim of the hearing, which needs to 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.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The trustees sitting on the panel need to be aware of the complaints policy and their roles and responsibilities seeking advice where necessary from the Clerk.

## THE ROLE OF THE CLERK

The panel considering complaints will use the services of the Clerk to the Trust Board. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings by taking discursive minutes;
- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed or challenged.

## THE ROLE OF THE CHAIR OF THE GOVERNING BODY OR THE NOMINATED TRUSTEE

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

## 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 it would be useful to give all parties the opportunity to consider and comment on it.

#### THE FINAL STAGE OF APPEAL IS TO THE SECRETARY OF STATE FOR EDUCATION.

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

[www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

We will include this information in the outcome letter to complainants.

**Should the complainant continue to make contact on the same issue the Chair of Trustees has the power to inform them that the process is complete and the matter is therefore closed.**

#### ANONYMOUS COMPLAINTS

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

We will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, a complaint may become unreasonable if the person:

- 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
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 ESFA
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

**Please note:** the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the 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.

### Steps we will take

We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the headteacher or chair of trust 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, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

## **PHYSICAL OR VERBAL AGGRESSION**

The Trust Board will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of such the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

## **VEXATIOUS COMPLAINTS**

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

The Chair of Trustees can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.

## UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

The Headteacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

This Policy provides information about unreasonably persistent complainants or harassment of staff.

### **What do we mean by ‘an unreasonably persistent complainant’?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, or persistent – even when the complaints procedure has been exhausted, or personally harassing, or unjustifiably repetitious
- An insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints, pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or making complaints in public or via a social networking site such as Facebook; or
- refusing to attend appointments to discuss the complaint.

### **What is ‘harassment’?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;

- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time
- The case to stop responding is stronger if:
  - The complainant's communications are often or always abusive or aggressive
  - The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

## COMPLAINT CAMPAIGNS

Occasionally, Park Road may become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

In handling complaints of this nature we will

- send a template response to all complainants
- publish a single response on the school's website

We will continue to signpost complainants to the Department of Education if Complainants are dissatisfied with schools' response.

## CHECKLIST FOR A PANEL HEARING

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

### **Stage 1 – Complaint heard by staff member**

- Ensure complaints co-ordinator informed of outcome.

### **Stage 2 – Complaint heard by Deputy Headteacher/Headteacher**

- Acknowledge receipt of complaint and process for Stage 2
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

### **Stage 2 - Complaint heard by Chair of Trustees *(If Complaint is regarding the Headteacher or a Trustee)***

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied and not resolved

### **Stage 3 – Trustee’s complaints panel meeting arranged**

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education. Complainants should be advised to write to The School Complaints Unit (SCU) at: Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD.

## COMPLAINT FORM

Please complete and return to Mrs Walmsley who will acknowledge receipt and explain what action will be taken.

Your name:

Relationship with school:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

**Please give details of your complaint. (including dates, names of those involved, witnesses, etc) to allow the matter to be fully investigated. Please use additional pages if necessary.)**

**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:

**SCHOOL USE ONLY:**

<b>Date form received:</b>	<b>Received by:</b>	<b>Date Acknowledgement sent:</b>	<b>Acknowledgement sent by:</b>

Agreed Outcomes

<b>Complaint referred to:</b>		<b>Date:</b>	
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