



# The Federation of St Elphege's and Regina Coeli Catholic Schools



## Complaints Policy

Scope:	Federation	
Date Adopted:	15/03/16	
This Review:	January 2019	
Next Review:	Spring Term 2022	Monitoring & Evaluation
Approved:	January 2019	Every three years.



# Complaints Policy

This policy applies to all concerns and complaints other than the following (see Appendix E):

- Child Protection issues;
- Admissions;
- Staff Grievances and Disciplinary Procedures;
- Statutory Assessment of SEN;
- Whistleblowing;
- School Re-organisation Proposals;
- Exclusions, where separate procedures apply;
- Complaints about services provided by other providers who may use the school premises or facilities.

This policy complies with Section 29, Chapter 1, Part 3 of the Education Act 2002

*Supplementary Materials: 1*

## Policy Aim and Statement

The aim of this policy is to ensure that a concern or complaint by a parent/carer or other person is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents'/carers' and pupils' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

Complaints from people who are not parents or carers will follow the same procedures in this policy.

The Federation of St Elphege's and Regina Coeli Catholic Schools expects that most concerns can be resolved informally. All concerns will be taken seriously and kept confidential.

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to The Federation's culture and ethos. We intend that parents and pupils should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a pupil or their opportunities at The Federation. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

The two most important aims of a complaints procedure are i) that the person's concerns have been taken seriously and have been addressed in a fair way and, ii) that the resolution reached will enable relationships to be strengthened so that the school and those who use its services can continue to work together. It is important then, that the gospel values of justice and reconciliation underpin the whole process.

## **INTRODUCTION**

As the first educators of their children, parents (and/or carers) have a duty to take an active interest in their school. Canon Law requires that there is a partnership between the parent (and/or carer) and the school "...there must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with parents and willingly listen to them." (Canon 796).

The partnership between the parent/carer and the school is integral to the ethos and mission of the Catholic school and should be characterised by a mutual respect by which parents/carers feel they are able to bring their concerns to the attention of someone in the school, at any time, with the expectation they will be listened to and their concerns addressed.

### **The Difference between a Concern and a Complaint**

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

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

It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. The Federation will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, the complaints procedures outlined in this policy will be followed. Anyone can make a complaint about any provision of facilities or services that The Federation provides, unless separate statutory procedures apply (such as exclusions or admissions).

### **Dealing with concerns**

A concern is an issue raised by a parent, pupil or other person that is resolved quickly and informally. Most concerns are resolved by the person to whom the concern is addressed e.g. the class/subject teacher or the subject coordinator/head of department. It is only when a resolution cannot be reached at the informal stage the concern becomes a complaint and the formal part of the procedure is applied. The Federation of St Elphege's and Regina Coeli Catholic Schools will treat all concerns seriously and take prompt action to reach a resolution.

Many concerns are expressed because of misunderstandings. Schools can work to reduce these concerns by:

- providing parents/carers with regular information;
- involving parents/carers and pupils in school reviews and evaluations;
- inviting feedback from parents/carers e.g. policy developments;
- providing adequate times in the school year for parents to meet with teachers;
- regular communication between the teacher and the parent by notes home or entries in the day book/diary/journal;
- inviting parents/carers in if the school has concerns.

The examples given above apply to communications with parents/carers as the vast majority of concerns are expressed by parents/carers. Other parties, e.g. neighbours, may also express concerns which should be treated as seriously as those expressed by parents/carers and will follow the procedures laid out in this policy.

### **Concurrent considerations**

Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales. If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. A member of the Senior Leadership team will write to the complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

### **Complaint Campaigns**

Occasionally schools may become the focus of a ‘complaint campaign’ and receive large volumes of complaints:

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

In instances such as these, The Federation will take due consideration of the subject of the complaints and / or the origins of the complaints, investigating as appropriate. Where necessary due to the volume of complaints, The Federation will opt to communicate with the complainants using one of the following channels:

- Sending a template response to all complainants
- Publishing a single response on the school’s website

### **Complaints not in the scope of this policy**

See Appendix E

## **Timescales**

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a “working day” is defined as a weekday during term time, when the particular school concerned within The Federation is open. The definition of “working day” excludes weekends and Bank Holidays.

## **Stage 1: Concerns**

### **1 Concerns**

Most concerns, where a parent/carer or other complainant seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

Parents/carers or other complainants should raise the concern initially with the Class Teacher, a line manager or the Deputy Head Teachers / Head of School / Executive Head

Teacher as appropriate. Each school in The Federation will ensure that informal concerns are resolved within 10 working days of being raised.

## 2 Unresolved concerns

A concern which has not been resolved informally within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

## 3 Record of concerns

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the concern and/or file correspondence between the person raising the concern and the respondent.

# Stage 2: Formal Complaints

## 4 Notification

An unresolved concern under Stage 1, or a concern which needs investigation, or a more serious dissatisfaction with some aspect of the Federation or School's policies, procedures, management or administration should usually be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Deputy Head Teacher / Head of School / Executive Head Teacher or the Chair of Governors, as appropriate. If the complainant is unable to make their complaint in writing, they may do so in person, by telephone or through a 3<sup>rd</sup> party acting on their behalf. Regardless of the medium by which the complaint is made, the complainant must state that they are making formal complaint. Complaints regarding the Deputy Head Teachers should go to the Head of School; complaints regarding the Head of School should go to the Executive Head Teacher; complaints regarding the Executive Head Teacher, the Chair of Governors or other members of the governing body should go to the Clerk to the Governing Body. Complaints regarding the aforementioned follow the procedures outlined in this policy. The Clerk to the Governing Body can be contacted at the address below:

Michael Hedges – Clerk to the Governing Body of The Federation of St Elphege's and Regina Coeli Catholic Schools  
C/O: St Elphege's RC Schools,  
Mollison Drive,  
Wallington.  
SM6 9HY

Complaints relating to the entire Governing Body should be made directly to the Catholic Diocese of Southwark, the Local Authority or the Department for Education. See below for contact details:

<b>Southwark Catholic Education Commission</b>	<b>London Borough of Sutton</b>	<b>Croydon Council</b>	<b>Department for Education – SCU</b>
St Edward's House St Paul's Wood Hill Orpington, BR5 2SR 01689 829 331	Civic Offices, St Nicholas Way, Sutton SM1 1EA 020 8770 5000	Bernard Weatherill House, 8 Mint Walk, Croydon CR0 1EA 020 8726 6000	2nd Floor, Piccadilly Gate Manchester M1 2WD 0370 000 2288

Should another member of the Federation's staff receive a formal written complaint, this should be immediately passed to the Senior Leadership Team to be directed to the relevant party.

## **5 Acknowledgement**

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

## **6 Investigation and resolution**

The Executive Head Teacher or Head of School may deal with the matter personally or delegate a senior member of staff to act as "investigating officer". The investigating officer may request additional information from the complainant and will fully investigate the issue. In most cases the Executive Head Teacher, a member of the Senior Leadership Team or the investigating officer will meet or speak with the parent/carer or other complainant to discuss the matter.

## **7 Outcome**

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint.

## **8 Record of complaints**

Written records will be kept of any meetings and interviews held in relation to the complaint.

## **9 Unresolved Complaints**

Where the complainant is not satisfied with the school's response to their complaint, they may have their complaint considered by an independent Complaints Panel which will comprise of members of the Governing Body.

## **Stage 3 – Complaint Heard by the Complaints Panel**

### **10 Request**

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within ten (10) working days of the date of the school's decision made at Stage 2. Requests for a complaint to be heard by a Complaints Panel (an appeal) may also be made in person, by telephone or through a 3<sup>rd</sup> party.

### **11 Acknowledgement**

Where an appeal is received, the school will, within (three) 3 working days, refer the matter to a member of the Governing Body who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within (three) 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

### **12 Panel Hearing**

The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

### **13 Panel Membership**

The Panel will consist of two Governors who have not previously been involved in the complaint and one person independent of the management and running of the school (the process used for selecting the independent person will conform to relevant guidance). In deciding the make-up of the Panel, Governors need to try and ensure that it is a cross-section of Governors and sensitive to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

### **14 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 or Federation's systems or procedures to ensure that problems of a similar nature do not recur.

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. The panel chair will ensure that the proceedings are as informal as possible.

### **15 Attendance**

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- the parents/carers/complainant and/or one representative;
- the Executive Head Teacher/ Chair of Governors and/or one representative;
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

## **16 Evidence**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents;
- chronology and key dates;
- written statements setting out further detail.

The evidence will be considered by the Panel along with the initial submission. All written evidence must be received by the Clerk no later than 5 (five) working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 3 (three) working days in advance of the Panel Hearing.

## **17 Roles and Responsibilities**

All panels considering complaints must be clerked. 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decisions.

The Role of the **Chair of Governors or Nominated Governor**:

- check that the correct procedure has been followed.

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/carers or 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.

## **18 Decision**

The Panel will reach a decision, and make any recommendations within ten (10) working days of the hearing. The decision reached is final.

## **19 Notification of the Panel's Decision**

The Panel's findings will be sent, in writing, by the Clerk, to the parents/carers (or complainant, as appropriate), the Governors involved and the Executive Head Teacher and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

## **20 Record Keeping**

The school will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

## **21 Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix C and D for further details of how such complaints will be dealt with and examples of behaviour, which will not be tolerated.

The school need not respond if a complainant raises again an issue that has already been taken through the complaints procedure.

The same complainant may raise an entirely separate complaint, it must be responded to in accordance with the school's complaints procedure. It is the correspondence and not the complainant who is vexatious.

## **22 Monitoring complaints**

The Governing Body will monitor the level and nature of complaints, although individuals will not be named, in case an appeal panel needs to be constituted.

## **23 Unreasonable complainants**

All complaints will be dealt with fairly and impartially and to provide a high quality of service to those who complain. The school will not normally limit the contact complainants have with the school. However, the Federation does not expect its staff to tolerate unacceptable behaviour and they will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. (See Appendix C)

Unreasonable complaints are defined 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.’

## **24 Anonymous complaints**

Any anonymous complaint which raises safeguarding concerns must be dealt with under the appropriate policy. All other anonymous complaints will be considered but generally will not be formally investigated as it is not possible for an investigator to interview all parties. The decision to investigate an anonymous complaint will be made by the Executive Head Teacher or governing body.

## **25 Covert Recording**

No party is permitted to covertly record audio or video of any meeting, discussion or other interaction whilst undertaking school business or on school premises; this is strictly prohibited and The Federation reserves the right to take legal action against parties responsible. As such, The Federation will not accept covertly obtained electronic recordings submitted as evidence at any point in the procedures set out in this policy.

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Following the outcome of Stage 3 of this procedure, complaints regarding the Federation or the schools within may be considered by the Local Authority or Department for Education in these specific circumstances:

1. Where there is undue delay or the school did not comply with its own complaints procedure when considering a complaint;
2. Where the school is in breach of guidance as published by the Department for Education or the Secretary of State;
3. Where the school has failed to comply with any other legal obligation.

The Local Authority cannot review or overturn the school’s decision about a complaint, but will look at whether the school considered the complaint appropriately. The Local Authority will generally only do this after a complaint has been through the school’s own procedure, but may investigate sooner if there is evidence of undue delays by the school. If the Local Authority finds that the school did not deal with a complaint appropriately, it will request that the complaint is reconsidered. Similarly, if the school’s complaints procedure does not meet statutory requirements then the DfE will ensure this is put right.

## Appendix A

### Checklist for a Panel Hearing

1. The hearing is as informal as possible
2. Witnesses are only required to attend for the part of the hearing in which they give their evidence
3. After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
4. The Executive Head Teacher or nominated member of the Senior Leadership Team may question both the complainant and the witnesses after each has spoken
5. The Executive Head Teacher or nominated member of the Senior Leadership Team is then invited to explain the school's actions and be followed by the school's witnesses
6. The complainant may question both the Executive Head Teacher or nominated member of the Senior Leadership Team and the witnesses after each has spoken
7. The panel may ask questions at any point
8. The complainant is then invited to sum up their complaint
9. The Executive Head Teacher or nominated member of the Senior Leadership Team is then invited to sum up the school's actions and response to the complaint
10. Both parties leave together while the panel decides on the issues
11. The chair explains that both parties will hear from the panel within a set time-scale, and that their decision is final

# Appendix B

## Complaint Form

If the complainant does not use this form, the information supplied should be in the following format.

Please complete and return to the school, marked 'Private & Confidential', and for the attention of the Chair of Governors (or the Clerk to the Governing Body, if it concerns the Executive Head Teacher / Chair of Governors), who will acknowledge receipt and explain the complaints process.

Your name: \_\_\_\_\_

Pupil's name (if applicable): \_\_\_\_\_

Your relationship to the pupil (if relevant): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number (day): \_\_\_\_\_

Telephone number (evening): \_\_\_\_\_

Please give brief details of your complaint:

*Continue on separate page(s) and attach as necessary.*

What action, if any, have you already taken to try to resolve your complaint? (Who was involved 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: \_\_\_\_\_ (Complainant)

Date: \_\_\_\_\_

## Appendix C

### Policy on unacceptable behaviour

The Governing Body recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents/carers and staff.

The Governing Body are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service, it would not normally limit the contact complainants have. However, the Governors do not expect the school's staff to tolerate behaviour by complainants, which is unacceptable, for example, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour.

The Federation of St Elphege's and Regina Coeli Catholic Schools 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'.

#### Unacceptable actions and behaviours

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants or complaints which schools often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come the attention of schools:

- refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refusal to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refusal to accept that certain issues are not within the scope of a complaints procedure;
- insistence on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introducing trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions, and insisting they are fully answered, often immediately and to their own timescales;
- making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced;
- changing the basis of the complaint as the investigation proceeds;
- repeatedly making the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refusing 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;
- seeking an unrealistic outcome;
- making 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.
- using foul and abusive language towards staff, other parents/carers and pupils;
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication;
- undermining school policies by actively encouraging pupils to ignore staff requests;

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 Executive Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact The Federation of St Elphege's and Regina Coeli Catholic Schools 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.

### **Barring from the School Premises**

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 barring an individual from school sites within the Federation.

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

If a parent's/carer's or other individual's behaviour is a cause for concern, a Federation can ask him/her to leave school premises. In serious cases, the Executive Head Teacher 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/carer may wish to make. The Federation will give the parent/carer or individual 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/carer or individual, and either confirmed or lifted. If the decision is confirmed the parent/carer or individual 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 Executive Head Teacher 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.

In less serious circumstances, the decision to restrict access to the school will be taken by the Executive Head Teacher or Chair of Governors. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we will consider terminating contact with that complainant. The Federation will consider terminating contact with a complainant when all of the following have been fulfilled:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if one or more of the following is fulfilled:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.
- The complainant's letters/emails/telephone calls are often or always abusive or aggressive.
- The complainant makes insulting personal comments about or threats towards staff.

However, the Governing Body will seek to limit any detriment to any pupils who attend the school, as far as is reasonable within these circumstances e.g. access to parents' evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we reserve the right to give the complainant prior warning of that action.

## Appendix D

### Policy on unreasonably persistent complainants

The Governing Body recognise that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Governing Body is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service, it does not normally limit the contact complainants have with the school.

However, there are a small number of complainants who, because of their frequent contact with the school, hinder consideration of their or other people's complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Executive Head Teacher will take action to limit their contact with the school.

#### **Actions and behaviours of unreasonable and unreasonably persistent complainants**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention:

- refusing to specify the grounds of a complaint, despite offers of assistance with this from the school's staff;
- refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced;
- changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage;
- introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- adopting a 'scattergun' approach: pursuing a complaint or complaints with the school and, at the same time, with the Local Authority/local police/solicitors/Ofsted/DfE/NCTL;
- making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses;
- submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure;
- refusing to accept the decision – repeatedly arguing the point and complaining about the decision;
- combinations of some or all of these.

The decision to restrict access to the school will be taken by the Executive Head Teacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

## Appendix E

### Complaints not in scope of this Policy

This complaints policy covers all complaints about any provision of facilities or services that the Federation provides with the **exceptions** listed below, for which there are separate (statutory) procedures:

Exceptions	Who to contact
Admissions to schools  Statutory assessments of Special Educational Needs (SEN)  School re-organisation proposals	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
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.
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
Matters likely to require a Child Protection Investigation	See Safeguarding and Child Protection Policy Designated Safeguarding Lead

# Supplementary Materials 1

## Section 29, Chapter 1, Part 3 of the Education Act 2002

### 29 Additional functions of governing body

(1) The governing body of a maintained school shall—

(a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) publicise the procedures so established.

(2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State or (in relation to Wales) by the National Assembly for Wales.

(3) The governing body of a maintained school may require pupils in attendance at the school to attend at any place outside the school premises for the purposes of receiving any instruction or training included in the secular curriculum for the school.

(4) In subsection (3) “maintained school” does not include a maintained nursery school.

(5) The governing body and head teacher of—

(a) a community or voluntary controlled school,

(b) a community special school, or

(c) a maintained nursery school,

shall comply with any direction given to them by the local education authority concerning the health and safety of persons on the school’s premises or taking part in any school activities elsewhere.