

Lady Manners School

School Complaints Policy and Procedure

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Through our shared school values, we aim for all students to thrive, feel included and aspire to grow as individuals who contribute to society with empathy, integrity and positivity.

This document will be reviewed annually by the Curriculum and Students Committee and sooner when significant changes are made to the law.

Guidance from the Department for Education about school policies can be found here: <https://www.gov.uk/guidance/governance-in-maintained-schools/statutory-policies-for-maintained-schools>

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EQUALITIES STATEMENT OF INTENT

Lady Manners School welcomes a diverse population of both students and staff. In order to consolidate and build upon this diversity, equality of opportunity and the absence of unfair discrimination is at the core of all the school's activities. The school will not unfairly discriminate in the recruitment or general treatment of staff or students.

The school is committed to promoting and developing equality of opportunity in all its functions and will seek to do this by:

communicating its commitment to equality and diversity to all members of the school community;

maintaining systems for implementation, monitoring, evaluation and review;
treating acts of discrimination and other contraventions of this policy as a disciplinary offence.

The Governing Board has responsibility for ensuring that the school operates within the legal framework for equality and for implementing the policy throughout the school. In addition, each member of the school community is responsible for preventing unfair discrimination or harassment or victimisation which it is within their control to prevent; and challenging or reporting such inappropriate behaviour if it occurs.

1. INTRODUCTION

This document meets the requirement of Section 29(i) of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

2. GENERAL

There are separate procedures for appeals about admissions, exclusions, and staff disciplinary or grievance.

Where complainants or members of staff are invited to a planned meeting as part of the Complaints Procedure, any request to be accompanied by a friend or representative will be accommodated.

The timescales indicated in the Complaints Procedure are those which are expected in normal circumstances. Where the complaint is detailed and/or requires an extensive investigation the timescales may be increased. The complainant will be informed in writing of any variations to the timescales indicated and be given a revised timetable for resolving their complaint.

Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

3. THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

There is a difference between a concern and a complaint.

Concern - we define a concern as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought."

Complaint - we define a complaint as "an expression of dissatisfaction or statement of dissatisfaction, made in writing on a Lady Manners School complaint form, about the standard of service, actions taken or a lack of action taken affecting an individual or a group."

Taking informal concerns seriously at the earliest stage will reduce the number of concerns that develop into formal complaints. Concerns should be handled, if at all possible, without the need for formal procedures.

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The school's Complaints Coordinator is the Headteacher supported by the Head's PA. The Head's PA is responsible for keeping records of all formal complaints.

4. PRINCIPLES

We aim to ensure that our complaints procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial and non-adversarial
- allow swift handling with established time limits for action and keeping people informed of progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- treat complainants with respect and courtesy
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- be sensitive to the needs of all parties involved, and make reasonable adjustments needed to accommodate individuals
- provide information to the school's Senior Leadership Team (SLT) so that services can be improved

5. ROLES AND RESPONSIBILITIES

5.1 The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- follow these procedures
- co-operate with the school throughout the process, and respond to deadlines and communication promptly
- ask for assistance as needed
- treat all those involved with respect
- do not publish details about the complaint on social media

5.2 The Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- interview all relevant parties, keeping notes
- consider records and any written evidence and keep these securely
- prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions

5.3 The Complaints Co-ordinator

The complaints co-ordinator can be:

- the headteacher
- any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors and clerk
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
 - Keep records

5.4 Clerk to the Governing Board

The clerk will:

- be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- arrange the complaints hearing
- record and circulate the minutes and outcome of the hearing

5.5 Committee Chair

The committee chair will:

- chair the meeting, ensuring that everyone is treated with respect throughout
- make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

6. INVESTIGATING CONCERNS AND COMPLAINTS

When investigating a concern or a complaint the Headteacher (or nominated member of SLT acting on behalf of the Headteacher) will:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

7. RESOLVING CONCERNS AND COMPLAINTS

At each stage in the procedure we will keep in mind ways in which a concern or a complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event highlighted will not re-occur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an agreement to consider a review of a school policy in light of the concern or complaint

When appropriate, complainants may be encouraged to state what actions they feel might resolve the problem, bearing in mind that an admission that the school could have handled the situation better is not the same as an admission of negligence. We will try to identify areas of agreement and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

Specific actions taken against members of staff during or after the process of resolving a concern or complaint will not usually be communicated. Any variation to this will be entirely at the discretion of the Headteacher or a designated senior leader.

8. TIME LIMITS

Concerns and complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action at each stage.

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

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, if appropriate
- Send the complainant details of the new deadline and explain the delay

9. THE PROCEDURE

The Headteacher should be made aware of all potentially significant complaints before, or as soon as practicable after, an informal investigation begins.

Where the first approach is made to a governor, the next step would be to refer the complainant to the Headteacher. Governors should not act unilaterally on an individual concern or complaint in case they are needed to sit on a panel at a later date.

There will normally be up to four stages of a complaints procedure:

9.1 Stage One - Informal Stage (See Appendix 1 for the Flowchart)

Initially, a concern should be raised with the school. This will then be passed on to an appropriate member of staff to investigate. The concern will usually be acknowledged within two working days.

An informal investigation will be completed by the designated member of staff and an initial attempt made to agree an outcome that satisfied all parties. In most cases, it is anticipated that this will resolve the concern.

If the concern remains, a further discussion will be held to resolve the issue informally (usually led by a senior member of staff).

If a concern cannot be resolved informally, the concern will move to Stage 2 "Formal Consideration by the Headteacher". However, if the matter involves the Headteacher, the concern will move directly to Stage 3.

The complainant(s) will be informed that the concern will now convert to a formal complaint and will be asked to complete and submit an official Complaint Form to begin the formal process. This form is available on the school website.

9.2 Stage Two - Formal Consideration by the Headteacher

At this point the complainant may feel that the concern should be set on a more formal basis and convert to a complaint. The complainant should complete a form (See **Appendix 2**) and the complaint will be recorded at this stage. The Complaint Form is also available on the school website.

The Headteacher will:

- Acknowledge the letter within two working days.
- Investigate the complaint and then decide how best to resolve it within a further ten working days. The Headteacher may delegate a senior member of staff to act as the Investigating Officer at this stage.
- Provide a written response outlining how the investigation was conducted, the outcome of the complaint, and the actions taken or proposed to resolve the complaint. The complainant will be offered the opportunity to discuss the outcome if appropriate. This should be within two working days of completing the investigation, unless the Headteacher has informed the complainant that further time will be needed in the circumstances.
- Advise the complainant that if they are dissatisfied with the outcome, their complaint will be considered by the Chair of Governors at Stage Three.
- Inform the Chair of Governors that a formal complaint has been received and what action will be taken to provide a response without discussing the nature of the complaint at this stage.

If the Headteacher is not able to resolve the complaint and/or the complainant still remains unhappy the complaint can be dealt with at Stage Three.

9.3 Stage Three - Consideration by the Chair of Governors

If the complainant is not satisfied with the Headteacher's response and wishes to pursue the matter further, through the procedure, the complainant should write to the Chair of Governors (or Vice Chair if the Chair is unavailable) within ten days of the response and that letter should include:

- Their name
- The nature of their complaint
- Where appropriate, the reasons why they were unhappy with the Headteacher's decision or handling of the complaint.
- Any resolution they seek
- How they can be contacted

At this stage, only the Chair of Governors will normally be involved, as other Governors may have to listen to any subsequent hearings which may result from an investigation of the complaint

The Chair of Governors will:

- Acknowledge the letter within two working days. The Chair of Governors may nominate another governor to investigate, for personal or contextual

reasons. Apart from the 'nominated governor' the Chair must not involve any further governors or report any detail to the Governing Board at this stage. The Chair of Governors should first contact the complainant to ascertain whether it is necessary to meet with them in order to fully understand their complaint.

- Review the investigation conducted at Stage Two and carry out further enquiries if required. The Chair of Governors will conduct the investigation and speak to everyone involved as soon as practicable. This will usually be within ten working days. The aim will be for the Chair of Governors to mediate between the school and the complainant with a view to reaching a mutually satisfactory outcome.
- Provide a written response outlining how the investigation was conducted, the outcome of the complaint, and the actions taken or proposed to resolve the complaint. The complainant will be offered the opportunity to discuss the outcome if appropriate. This should be within a further five working days of completing the investigation, unless additional time is arranged.
- Advise the complainant that if they are dissatisfied with the outcome their complaint will be considered by the Complaints Panel of the Governing Board at Stage Four.
- Complaints against a governor will be addressed to the Clerk to Governors and responded to within five working days. These complaints will normally be dealt with by the Chair of Governors (or the Vice Chair if the Chair is the subject of the complaint).

If the Chair of Governors is not able to resolve the complaint and/or the complainant still remains unhappy the complaint can be dealt with at Formal Stage Four.

The timescales indicated are those which are expected in normal circumstances. Where the complaint is detailed and/or requires an extensive investigation, the timescales may be increased. The complainant should be informed in writing of any variations to the timescales indicated and given a revised timetable for resolving their complaint.

9.4 Stage Four - Complaint heard by the Governors' Complaints Panel

If the complainant is dissatisfied with the outcome of the Chair of Governors' investigation the complainant should write to the Chair of Governors, within ten working days of receiving the response, stating why they are dissatisfied with the outcome and/or handling of the complaint and request that their complaint be referred to the Complaints Panel of the Governing Board.

The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and do not have a personal or pecuniary interest. It would normally be inappropriate for the Complaints Panel to include staff Governors. Individual complaints are not heard by the whole Governing Board at any stage.

A meeting of the Complaints Panel will be convened within 10 working days of the request, or as soon as is reasonably practicable.

At least five working days before the meeting members of the Complaints Panel and complainant will receive papers about the complaint which will include as appropriate:

- A copy of the original complaint
- A copy of the letter sent to the complainant about the outcome at Stage Two
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Stage Two
- A copy of the letter to the Chair of Governors requesting an investigation at Stage Three
- A copy of the letter sent to the complainant about the outcome at Stage Three
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Stage Three
- A copy of the letter requesting that the complaint is heard by the Complaints Committee.

The complainant will be invited to attend the meeting to state their case and will be offered the opportunity to be accompanied by a friend or other adult if they wish. Children should not attend unless the Complaints Panel deems that it would be helpful. In such situations the Governors will seek the permission of the parents. The complainant does not have to attend the meeting, in which case the Complaints Panel will consider the documentary evidence provided by the complainant.

The Headteacher and/or Chair of Governors should be invited to attend the meeting. They do not have to attend the meeting, in which case the Complaints Panel will consider the documentary evidence relating to any investigation(s) the Headteacher or Chair of Governors carried out.

The Panel should take the following points into account:

- The hearing should be held in private.
- The hearing is as informal as possible.
- Electronic recordings of meetings or conversations should not normally be permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be required before meetings or conversations take place. Consent will be recorded in any minutes taken.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the remit of the panel should be confirmed.
- Clarification of time allocation/constraints and any potential for adjournment
- Check all parties have all documentation.
- The complainant is invited to explain their complaint, and be followed by their witnesses.

- The Headteacher and/or Chair of Governors may question both the complainant and the witnesses after each has spoken.
- The Headteacher and/or Chair of Governors 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 and/or Chair of Governors is then invited to sum up the school's actions and response to the complaint.
- The complainant and the Headteacher and/or Chair of Governor parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within two working days.

Advice on conducting a complaint hearing may be sought from the Local Authority Governor Support Service. In exceptional circumstances the Chair may wish to request the attendance of an appropriate LA officer to provide advice and guidance to the panel. Attendance by an appropriate officer would be part of the authority's traded services and subject to availability. That person would not have any role in deciding the outcome but would advise on procedure.

The Chair should arrange for notes, to aid the panel's decision, to be taken during the hearing.

In the event that further information is needed and it is not available at the time the meeting may be adjourned and re-convened at a mutually convenient time. This should be as quickly as possible and wherever practicable within five working days.

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.

Governors sitting on a complaints panel should remember that:

- it is important that the appeal 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 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

- 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. Similar feelings apply to staff involved. The panel chair will ensure that the proceedings are as welcoming as possible
- they need to be aware of, and familiar with, the complaints procedure

The Complaints Panel will be clerked. The Clerk will be the contact point for the complainant and will:

- 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. If the complainant rejects the offer of three proposed dates without good reason, the Clerk will set a date. The hearing will go ahead using written submissions from both parties
- collate any written material and send it to the parties in advance of the hearing
- notify all parties of timescales and deadlines
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decision

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

They should consider whether the earlier investigation(s) were conducted appropriately and reasonably, whether the decision of the Headteacher /Chair of Governors was reasonable and the panel may determine an alternative outcome to the complaint, where appropriate.

The decision of the Complaints Panel is final.

10. COMPLAINTS AGAINST THE HEADTEACHER, A GOVERNOR OR THE GOVERNING BOARD

10.1 Stage One - Informal Stage

Complaints made against the Headteacher or any member of the Governing Board should be directed to the Clerk to the Governing Board in the first instance.

If the complaint is about the Headteacher or one member of the Governing Board, including the Chair or Vice Chair, a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 9 above).

10.2 Stage Two - Formal Stage

If the complaint is:

- Jointly about the Chair and Vice Chair, or
- The entire Governing Board, or
- The majority of the Governing Board

An independent investigator will carry out the steps in Stage 2 (set out in section 9 above). They will be appointed by the Governing Board and will write a formal response at the end of the investigation.

10.3 Stage Three - Review Panel

If the complaint is:

- Jointly about the Chair and Vice Chair, or
- The entire Governing Board, or
- The majority of the Governing Board

An committee of independent governors will hear the complaint. They will be sourced from local schools and/or the local authority and will carry out the steps at Stage 4 (set out in Section 9 above).

11. DISSATISFIED COMPLAINANTS

If a complaint is not resolved by the school, the complainant is not satisfied and wishes to pursue the matter further, they may address their complaint to the Secretary of State for Education. **The formal complaint must have been through all the stages of the school's procedure.**

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE will also look at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- failed to act in line with its duties under education law
- acted (or is proposing to act) unreasonably when exercising its functions

If the 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:

<https://www.gov.uk/complain-about-school>

12. THE ROLE OF THE LOCAL AUTHORITY (LA)

The LA has no statutory role in resolving external complaints about the actions of school staff.

The LA is not able to review the school's response to a complaint and is not an appeal body.

13. REPEATED COMPLAINTS / UNREASONABLY PERSISTENT COMPLAINTS AND UNREASONABLE BEHAVIOUR

There is a procedure for dealing with unreasonably persistent complainants and/or unreasonable complaints behaviour, available as **Appendix 3**.

The aim of the complaints procedure is to limit the number of protracted complaints. There will, however, be occasions when the complainant remains dissatisfied even though all stages of the Complaints Procedure have been completed. If the complainant continues to raise the same issue it is reasonable for the Chair of Governors to inform them in writing that the procedure has been exhausted and that the matter is now closed.

14. MONITORING AND RECORDING COMPLAINTS

The Governing Board recognises that the process of listening to, and resolving complaints may identify underlying issues that need to be addressed and ensure more effective school management and routines. Therefore, the Governing Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of this procedure and make changes where necessary. Information about complaints presented to the Governing Board for monitoring purposes will not name individuals.

Complaint records will be logged and managed by the PA to the Headteacher.

The Headteacher will arrange for a confidential record of the nature and progress of all complaints, when they were made, and their final outcome. The record will include notes of all meetings and what was discussed and agreed. Notes of telephone calls and conversations will be kept along with a copy of any verbal or written response included in the record. The purpose of the Record is for monitoring purposes only and not as a source of information for future references or other issues.

15. THE ROLE OF THE GOVERNING BOARD

If a School Governor is directly approached by a complainant it is important that the Governor clarifies that they can only give general advice about how their complaint might be dealt with. The Governor should encourage the complainant to talk to the staff member or Headteacher who will attempt to resolve their complaint informally in the first instance. The Governor should also inform the Headteacher and Chair of Governors about the complaint as soon as possible. If it becomes clear that the complaint is about the Headteacher, the complainant should be advised to contact the Chair of Governors.

It is important to note that when a Governor becomes involved in this way they cannot take part in any of the formal procedures which may follow. It may, however, be appropriate for them to accompany the complainant to a planned meeting with a member of staff or the Headteacher. This would normally only be necessary if the complainant appears uncomfortable about attending a meeting with the member of staff or Headteacher.

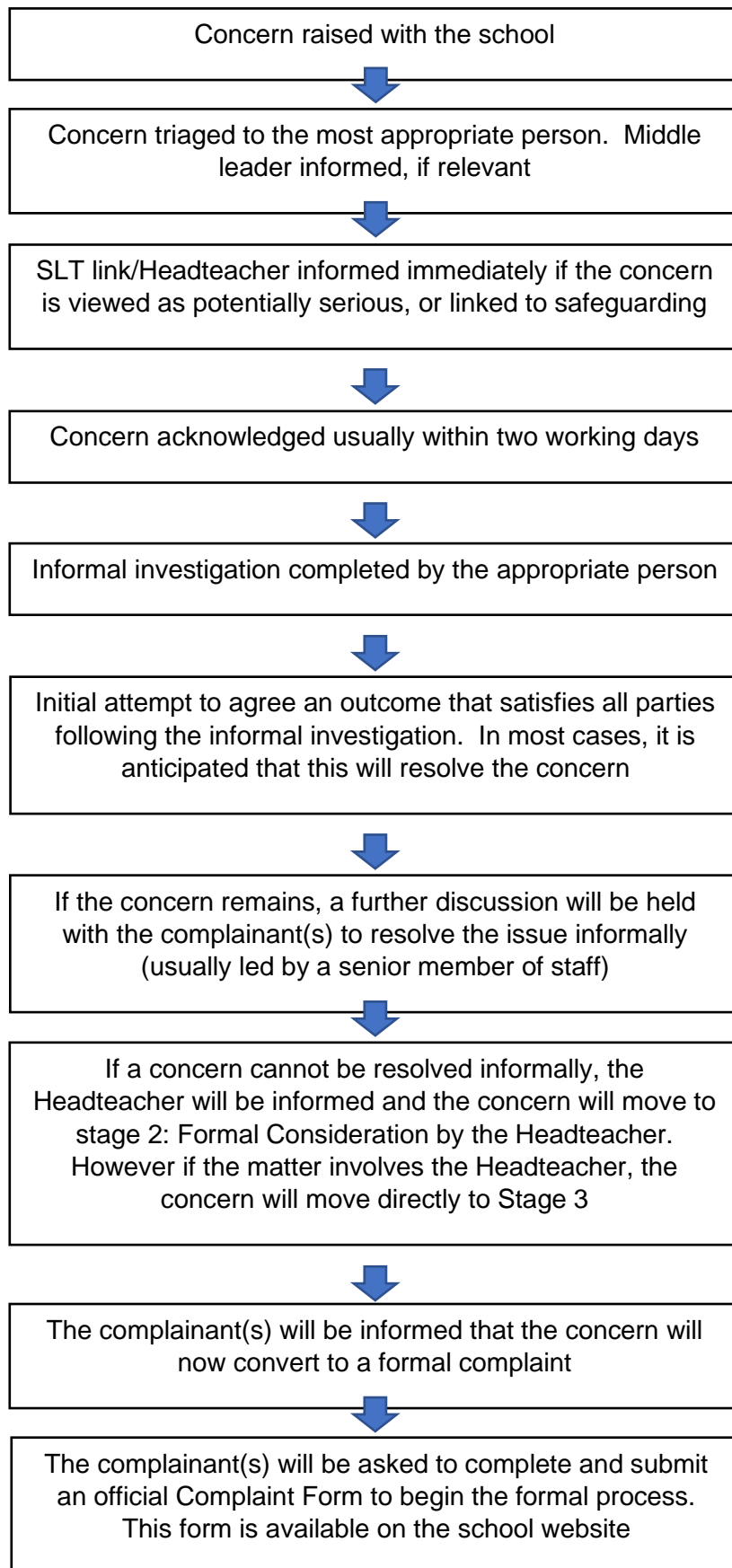
Governing Bodies may want to monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of their procedure and make changes where necessary. Information about complaints presented to the Governing Board for monitoring purposes should not name individuals and should be reported in very general terms. (e.g. the school received a complaint relating to health and safety and therefore the relevant committee will review policy)

The monitoring and review of complaints by the school and the Governing Board can be a useful tool in evaluating a school's performance and contribute to school improvement. As well as addressing an individual's complaints, the process of listening to, and resolving, complaints may identify underlying issues that need to be addressed and ensure more effective school management and routines, e.g. reviewing the anti-bullying policy.

16. PUBLICATION OF THE COMPLAINTS PROCEDURE

The Complaints Procedure will be available on the school website or from the school by request.

STAGE ONE - INFORMAL STAGE



Appendix 2

Lady Manners School



Complaint Form

Your name:

Your contact details:

Address:

Tel No:

Name of student:

Your relationship to the student:

Please give details of your complaint:

What action, if any, have you already taken to 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:

Appendix 3**PROCEDURE FOR DEALING WITH UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR****1. Introduction**

The school is committed to dealing with all complaints fairly and impartially and to providing a high-quality response to complainants. Having a procedure on unreasonably persistent complainants and unreasonable complainant behaviour helps the school to deal with complainants in ways which are consistent and fair.

2. Definitions

The school has adopted the definition of 'unreasonable' and 'unreasonably persistent' complainants as those who, because of the frequency or nature of their contacts with the school, hinder the school's consideration of their, or other people's, complaints.

Unreasonably Persistent Complainant Behaviour

Examples of unreasonably persistent complainant behaviour include:

- Introduction of trivial or irrelevant new information and expecting it to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Adoption of a 'scattergun' approach - pursuing a complaint with the school and, at the same time, with the local authority and/or with other parties e.g. MPs, Councillors, Police, solicitors, etc
- Making excessive demands on the time and resources of staff whilst the complaint is being investigated e.g. excessive telephoning or sending e-mails to staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submission of repeat complaints, after the complaints process has been completed, essentially about the same issue but with additions/variations which the complainant insists make these 'new' complaints which he/she wants to be put through the full complaints procedure.
- Refusal to accept the decision reached on the complaint, repeatedly arguing the point and complaining about the decision.
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time.
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive.

This list is not exhaustive and unreasonably persistent complainant behaviour is not limited to one, or a combination of any, of the above.

Unreasonable Complainant Behaviour

Unreasonable complainant behaviour can come about when the situation between the school and a complainant escalates and the complainant's behaviour becomes unacceptable e.g. abusive, offensive, or threatening. Examples of unreasonable complainant behaviour include:

- Refusal by complainant to specify the grounds of a complaint, despite offers of assistance from the Headteacher.
- Refusal by complainant to co-operate with the complaints process, yet still wanting his/her complaint to be resolved.
- Refusal to accept that issues raised are not within the remit of the complaints procedure.
- Insistence that the complaint be dealt with in ways which are incompatible with the school's adopted complaints procedure.
- Making apparently groundless complaints about staff/governor dealing with the complaint and seeking to have those staff removed/replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he/she made at an earlier stage.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

This list is not exhaustive and unreasonable complainant behaviour is not limited to one, or a combination of any, of the above.

3. Aim

The aim of the procedure for dealing with unreasonably persistent complainants and unreasonable complainant behaviour, is to deal fairly and honestly with the complainant whilst ensuring that other service users and staff/governors do not suffer any detriment from people making repeated and persistent, unreasonable complaints.

4. Dealing with Unreasonably Persistent Complainants

The decision to designate someone as unreasonably persistent can only be made by the Chair of Governors in consultation with the Headteacher. As appropriate, staff and governors should be informed that contact with a named complainant is being restricted and why, and who will have access to that information on request.

5. Assessing whether the action is proportionate and necessary

Consideration of the following points, together with any other relevant factual information, will be necessary to assess whether the proposed action is proportionate and necessary:

- Is the complaint being investigated properly and in accordance with the school's procedure for investigating complaints?
- Is there another, more specific, path for the complainant to follow?
- Are the correct timescales being adhered to?
- Has the complainant been advised of any delays that may have occurred?
- Are the considerations/decisions reached, as part of the investigation, being reached correctly?
- Have communications with the complainant been adequate, clear and coordinated?
- Has consideration been given to the possibility of mental health problems, learning disabilities, or personality disorders?
- Is the complainant now providing any significant new information that might affect the school's view of his/her complaint?

6. Assessing whether further action is necessary before designating the complainant 'unreasonably persistent'

If satisfied on these points, consideration should be given to whether further action is necessary prior to making the decision to designate the complainant as unreasonably persistent, for example:

Have any meetings taken place between the complainant and the Headteacher and Chair of Governors? If not, unless there is a known risk about such a meeting, would this be likely to help the situation? The complainant may be accompanied by an advocate, if he/she wishes, if it is considered that a meeting may help the situation.

7. Applying restrictions

Before applying any restrictions, the complainant should be given a warning in writing that if his/her actions continue, the school may decide to treat him/her as an unreasonably persistent complainant and explain why.

8. Options for action

The precise nature of the action the school decides to take should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the school

at that time. It is important, however, to ensure that the Complaints Procedure has been followed.

The following is a list of some possible actions for managing a complainant's involvement with the school:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken e.g. one call on one specified day of any week.
- Limiting the complainant to one contact medium e.g. telephone, letter, e-mail and/or requiring the complainant to communicate with one named member of staff.
- Requiring personal contacts to take place in the presence of a witness.
- Refusing to register/process further complaints about the same matter.

The list is not exhaustive and local case by case factors may be relevant in deciding appropriate action.

9. Completed Complaints

Where the complaint has gone through Stage Four of the school's corporate complaints procedure then there is no further avenue through which to pursue the matter with the school. Should correspondence from the complainant continue, the Chair of the Governing Board will write to the complainant to inform him/her that the matter is at an end and the school will not enter into further correspondence about the complaint, and any further letters on the same subject will be read and placed on file, but will receive no acknowledgement or response.

10. Dealing with Unreasonable Complainant Behaviour

The school has a duty to ensure the health, safety and welfare of its staff and it does not expect staff to tolerate language or behaviour by complainants which is abusive, offensive, or threatening.

Members of staff who feel threatened or intimidated by the language or behaviour of complainants should report their concerns to their Headteacher, copied to Chair of Governors.

The Headteacher will then consider:

Whether to write to the complainant, requiring him/her not to repeat the behaviour and, if necessary, setting conditions and restrictions for further contact with staff.

Whether to report the incident to the Police.

This procedure sits alongside existing policies as a means of addressing the full spectrum of behaviours which the school may need to address.

10.1 Telephone contact

During a telephone conversation, if staff consider that the caller is becoming aggressive and/or offensive, they will inform the caller that they will terminate the conversation unless such behaviour ceases. If the aggression continues, the member of staff will terminate the call and a note will be placed on file explaining why the call was terminated.

Repeated calls of this nature are considered to be unacceptable and should be reported to the Headteacher to determine appropriate action.

10.2 Personal contact

Visitors to school premises may show aggressive behaviour when they do not achieve the aim of their visit. Triggers for unreasonable behaviour can include:

- Not being able to see the person he/she holds responsible for his/her current situation or discontentment.
- Not being allowed instant access to the Headteacher.
- Not being able to resolve his/her complaint during his/her visit.

Examples of aggressive and unreasonable behaviour can include:

- Shouting loudly and making demands to see the staff member he/she holds responsible.
- Making threats to members of staff who are trying to help.
- Using abusive and upsetting language to members of staff.
- Refusing to leave until the problem is resolved.
- His/her continued presence causes disruption/distress to other visitors.

Difficult situations such as this can sometimes be resolved by being patient, remaining calm, listening and identifying the exact nature of the problem.

If it is not possible to resolve the situation actions may include:

- Ensure another member of staff is present. If this is not practicable, assess the situation and decide what action you should take e.g. leave the room to seek assistance.
- Telephone to ask for further assistance if necessary and possible.
- If applicable, try to remain behind a desk/table/counter – this acts as a barrier and maintains a distance, thus reducing the risk of violent behaviour.
- If the complainant refuses to calm down, raise the alarm to ask for assistance.
- Explain clearly that you are unable to help any further but that you will pass on the details of his/her complaint to the relevant person, then, if necessary, ask the complainant to leave the premises.
- As soon as possible after the incident, write up a clear account of what has happened, listing those present at the time. Sign and date the document and forward to the Headteacher.

This list is not exhaustive and unreasonable complainant behaviour is not limited to one, or a combination of any, of the above.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, other options will be considered e.g. reporting the matter to the Police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

11. Application of the Procedure

If the decision is made to apply the procedure, the Chair of Governors will write to the complainant to:

- Inform him/her that the decision has been taken to invoke the procedure.
- Explain what it means for his/her contacts with the school.
- Explain how long any restrictions will last.
- Explain what the complainant can do to have the decision reviewed.
- Enclose a copy of the procedure with the letter.

12. Records

Adequate records must be kept of all contacts with unreasonably persistent complainants and complainants behaving unreasonably. The information should be treated as confidential and only shared with those who may be affected by the decision.

Key information to be recorded includes:

- When a decision is taken to apply, or not to apply, the procedure following a request to do so by a member of staff.
- When a decision is taken to make an exception to the procedure after it has been applied, e.g. if extenuating circumstances subsequently come to light.
- When a decision is taken, and the reason, not to put a further complaint from the same complainant through the complaints procedure.
- When a decision is taken not to respond to further correspondence, having made sure that any further letters, faxes, e-mails, etc from the complainant do not have any significant new information.

13. Future Complaints by the same Complainant

When/if the complainant makes a complaint about a new issue this should be treated on its merits and a decision will need to be taken on whether any restrictions which have been applied before are still appropriate/necessary.

14. Reviews of Decisions

Reviews of decisions to restrict a complainant's contacts, or the school's responses to those contacts, should be carried out in accordance with agreed timescales or at least every six months by the Headteacher and Chair. If no further contact has been received from the complainant over a period of six months, consideration may be given to cancelling the restrictions. However, urgent assessment will be necessary to re-introduce them if behaviour which led to the original decision recommences.

The Complainant may request that the Governing Board review the decision of the Chair and Headteacher by submitting their reasons in writing. The Governing Board will consider the decision at their next meeting.