

General principles

1. This policy is intended to allow a concern or complaint relating to the school or the services that it provides to be raised.
2. An anonymous concern or complaint will not be investigated under this policy unless there are exceptional circumstances.
3. To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than three months after the event, being complained of, will not be considered.

Summary of Stages

Informal Stage One

- Raise concern directly with teacher/ person involved

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information, and it is anticipated that most complaints will be resolved at the informal stage.

Informal Stage Two

- Raise concern with Leadership Team

If a concern is not resolved directly, the complainant can choose to phone, email or write to the headteacher or deputy head, who will be responsible for ensuring it is investigated appropriately. (If the complaint is about the headteacher, the complaint should be passed to the Clerk to the Governing Body, for the attention of the Chair of the Governing Body).

Formal Stage One

- Raise concern with a member of the governing board in writing

It is expected that complaints will be resolved through contact with the headteacher. If not, arrangements will be made for the matter to be further investigated, by a Governor. In this case, the complainant should write to a representative of the governing board and will learn in writing, as soon as practicable after the school received the formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Formal Stage Two

- Submit written complaint to governors using statutory form (see appendix)

Using the previous stages correctly ensures that up to two independent investigations have taken place and recommendations given on the matter. If this has not satisfied the complainant then the completed form (see appendix) should be passed in a sealed envelope, to the school office. The envelope should be addressed to the headteacher or Clerk to the Governing Body, as appropriate.

The headteacher or Chair may invite the complainant to a meeting to further clarify concerns and explore the possibility of stepping back to an informal resolution. If the invitation is accepted, the complainant may be accompanied by a friend, if they wish, to assist in explaining the nature of the concerns, however this may not be somebody from the legal profession. If the complainant does not accept this invitation or is not satisfied after the meeting, a panel of governors will be convened.

Any investigation by governors will begin as soon as possible and will include a hearing involving a panel of three governors, and when it has been concluded, the complainant will be informed, in writing, of its conclusion.

The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

The panel will arrange a date and time for the hearing which is suitable for the complainants, representatives from the school and the panel themselves. This is expected to take place as soon as possible after the previous meeting and not more than 10 school days.

It is very important that a clear statement of the actions the complainant would like the school to take to resolve their concern are included. Without this, it is much more difficult to proceed.

If a complainant is uncertain about who to contact, they should seek advice from the school office or the Clerk to the Governing Body.

Review process

If the complainant is not satisfied with **the manner in which the process** has been followed, they may request that the Governing Body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the Clerk to the Governing Body, as soon as practicable after receiving notice of the outcome, and include a statement specifying any perceived failures to following the procedure. The procedure described below will be followed.

Any review of the process followed by the school will be conducted by a panel of three members of the Governing Body. This will take place as soon as it is possible to gather all necessary parties, after the receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. **Informal concerns will be taken just as seriously** and school will make every effort to resolve the matter as quickly as possible.

Those raising concerns, must do so swiftly. A complaint which covers a long period or a number of small disconnected issues is complex to address.

Sometimes previous issues are referred to when fresh concerns are raised. At this point the school will ask if the previous issue was dealt with satisfactorily - if so, it will be judged as not admissible alongside the current concern. If not, the school will decide whether the concern appropriately falls inside the 3 month limit (as described above, the issue should have been raised at the time). If a complainant experiences a similar concern but with a different context then the concern will be dealt with as a fresh issue.

For example if a concern is raised about an issue with another pupil in a particular class then a subsequent concern is raised about a different pupil 6 months later. These do not form a trend and will not be dealt with as a continuous issue.

Complaints not in scope of the procedure

This complaints procedure covers all complaints about any provision of facilities or services that the school provides with the exceptions listed below, for which there are separate statutory procedures.

Exceptions

- Admissions to school – LA (the Admission Authority)
- Statutory assessments of Special Educational Needs (SEN) - LA
- School re-organisation proposals - LA
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school (permanent or more than 5 days fixed)

Information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions.

- Whistleblowing

Follow the internal whistleblowing procedure for employees and voluntary staff.

- Staff grievances and disciplinary procedures

These matters invoke the school's internal grievance procedures.

- Complaints about services provided by other providers who may use school premises or facilities.

External providers have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Serial and Persistent Complainants

We will be helpful to anyone who contact us with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks the school to reconsider their position, we will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important to recognise when the school has done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. Nevertheless, the school will not mark a complaint as 'serial' before the complainant has completed the procedure. ¹

The decision to stop responding will never be taken lightly. If the school has:

- taken every reasonable step to address the complainant's needs;
- given the complainant 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 the school agrees with one or more of these statements:

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

Where an individual's behaviour is causing a significant level of disruption the school may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

The school will ensure that it is acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they will approach the governor services team at Oxfordshire Local Authority to ask for assistance. Complainants can be advised not to contact the school, but to communicate instead with the Local Authority, who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

¹ In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that a 'vexatious' request could be defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure.' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. This exemption can only be applied to requests themselves, and not the individuals who submit them.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps. Injunctions and other court orders can be issued to complainants because of their behaviours.

Once the school has decided that it is appropriate to stop responding, it will let the complainant know; ideally, through a hard copy letter but an email will suffice.

Policy for Unreasonable Complainants

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

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

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

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

• makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers. Note that sharing of information about specific situations or individuals might be breaking the law and the school will contact the Police to further investigate.

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

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

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact Cholsey Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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

Barring from the School Premises

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

If a parent or carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. The school will give the parent/carer the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent/carer, and either confirmed or lifted. If the decision is confirmed the parent/carer will be notified in writing, explaining how long the bar will be in place.

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

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so. This will involve looking at whether the complaints policy and any other relevant statutory policies were adhered to. It will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The school's decision about a complaint will not be overturned except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If it is found that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

Schools may wish to gain advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, they will not be able to advise on how to resolve the complaint.