Pear Tree Mead Academy



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| Complaints Policy and Procedures |

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| This policy was written in:Amended  | Spring Term 2022 |
| School staff were consulted on this document on:  | Spring Term 2022 |
| It was accepted by the F & P/PCC committee on: | Spring Term 2022 |
| It was ratified by the Governing Body on: | Spring Term 2022 |
| The policy is due for review in: | Spring Term 2023 |

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| **Monitoring and Evaluation**  |

Monitoring is the responsibility of the head teacher, named governor and teacher with responsibility for the implementation of the policy.

Governors will assess the effectiveness of the aims, content and methods through committee meetings and by identifying and carrying out appropriate monitoring activities.

#### Compliments and Concerns

Compliments are always welcome and very encouraging to teachers and staff. The school encourages feedback or opinions from pupils and parents.

 In practice this dialogue is continuous, sometimes directly and also indirectly, for example, through the staff or Friends of Pear Tree Mead. It may not always be possible to act immediately but pupils and the school always benefit so please don't hold back. We ask regularly for parent’s ideas, suggestions and opinions. This can be in the method of questionnaires, consultations, feedback forms and polls. The results and analysis of these can be viewed often on the school website or in the main office.

All parents’ opinions are read and addressed and we make action plans from these to follow through on feedback and opinions.

We will let parents know what we have been doing to improve our process through our “you said, we did” section of the newsletter.

We are not always able to give individual feedback or responses to individuals due to the volume of responses. When a change is needed a formal consultation may take place.

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

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include issues concerning the school's approach to aspects of the curriculum, homework, behavioral problems or any other issue.

The school welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher, key worker or by the subject coordinator if this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whomever you wish. At all times the staff will help to resolve a problem, you should follow our school management flow chart if you would like to speak to anyone after the class teacher. A record of all concerns will be kept in the child’s educational file. If occasionally parents feel they must state their concern formally, this too is not a problem. The school has defined procedures for handling complaints so don't be embarrassed if you feel an issue warrants more attention.

#### Complaints

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

The school does not limit complaints to parents or carers of children that are registered at the school. Anyone can make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes :

* parents or carers of children no longer at the school
* members of the public
* We will not normally investigate anoymous complaints, unless the chair of governors deems it necessry to do so.
* These should be made directly to the school office.

If your child is at school, the procedure is again to speak to the child's class teacher in the first instance, or contact the school office to arrange an appointment to discuss your complaint with a member of staff from the communications flow chart.

The school's policy is to follow the Local Authority (Essex County Council) and Department for Education guidelines when handling concerns and complaints. Just ask if you would like advice or a copy. It would be unusual to deviate from these procedures but the school always retains discretion in these matters.

**How can a complaint be raised**

A complaint may be made:

. In person, by telephone or in writing

. By a third party acting on behalf on the complainant

We will make sure you have written consent from the complainant before disclosing information to a third party.

In accordance with the administrative law principles, complainants should be given the opportunity to complete the complaints procedure in full, unless we possess clear evidence that the complaint meets the serial complaint criteria.

In summary, the nationally accepted procedure is divided into three stages, We will advise the complainant of any escalation options at each stage of the procedure, for example when we communicate the outcome of the stage 1 process, we will include details for stage 2 escalation. If the school can continue to reply and provide answers within any stage of the complaints procedure they will continue to do so, without escalating it to the next stage.

If appropriate we can include a mediation stage. Whilst this can be useful in helping the school and complainants reach an agreement and move forward, there are times when it may not be useful or an appropriate course of action.

Mediation can:

* Provide a helpful mechanism for discussion when a concern is raised.
* Help rebuild the relationship between parties once all of the investigative processes of the complaint have been completed.

It will not be used as a substitute for investigation during the formal stages of the complaints procedure.

If neither the Complainant nor us considers mediation will serve any practical purpose as this point, the complainant should not be prevented from moving to the next stage of the complaints procedure.

If the complainant wishes to withdraw their complaint, we will ask them to do so in writing.

In general we will use the following stages:

**Stage 1** **aims to resolve the concern through informal contact at the appropriate level in school.**

*( Stage 1 explained)*

**Your initial contact with the school**

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child’s class teacher/key worker
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ask the complainant at the earliest stage what they think may resolve the issue. An acknowedgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action.
4. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you, if appropriate.
5. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
6. We will mostly record all correspondance for the child’s file.
7. We will discuss with you (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
8. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

For parents who are not comfortable with making written complaints, there is a template form for recording complaints, the form may be completed by a member of staff and signed by the parent. Forms are available from the office.

  **Complainants may have communication prefrences due to:**

* Disability
* Learning Diificulties

**Stage 2** **is the first formal stage where written complaints are considered by the Headteacher (stage 2a) or a designated governor (stage 2b), who has responsibility for dealing with complaints. We ask that parents make complaints in writing, than via email as this will assist with a complete and thorough audit trail.**

*(Stage 2 a and b explained)*

**Stage 2 (a) and (b) - Formal consideration of your complaint**

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the headteacher, This will be dealt with as Stage 2 (a) If, however, your complaint concerns the headteacher personally, it should be sent to the school ( in writing) marked “For the attention of the Chair of Governors or the Designated Governor . This will be dealt with as stage 2 (b).
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within ten working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response. Ofsted guidance does state that it is 28 days.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The headteacher, or chair of governors or the designated Governor may also be accompanied by a suitable person if they wish.
7. Following the meeting, the headteacher or chair of governors or the designated Governor will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a parent or carer present if needed, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If all / or part of the complaint is against a member of staff, it **will be dealt with under the school’s internal confidential procedures, as required by law.** This will mean that you will only be entitled to know that the investigation has been carried out and concluded and will not be given details of the outcome.
10. The headteacher or chair of governors or the designated governorwill keep written/typed, signed and dated records of all meetings, discussions and telephone conversations, and other related documentation. If there are actions set then this will need to be signed by all parties involved. All parties will receive a copy of the actions if needed.
11. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the headteacher’s chair of governors’ or designated Governor’s decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you. ***This point is with the exception of the circumstances outlined in point 9 ( complaints relating to members of staff.***
12. If you are not satisfied with the outcome of the Stage 2 (a) investigation and the schools findings, you should proceed to stage 2 (b) and repeat the process with the designated Governor, if however your complaint has already been dealt with under stage 2 (b). You may wish to proceed to Stage 3, as described below.

**Stage 3** - **Consideration by a complaints review panel is the next step once Stage 2 is complete. It involves a complaints review panel of governors and an independent person. Such a panel will be offered by the Chair of Governors.**

*( Stage 3 explained)*

* If your concern has already been through Stages 1 and 2 (a) and / or (b) and you are not happy with the outcome, we **will** agree to set up a complaints review panel to consider it. This is a formal process, and your ultimate recourse at school level.
* The purpose of this arrangement is to give your complaint a hearing in front of a panel of governors and an independent person who have no prior knowledge of the details of the complaintand who can, therefore, consider it without prejudice.
* The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.
* The panel should be acceptable to both parties. If not then suitable reasons should be given
* The school will ensure at least one member of the panel is independent of the management and running of the academy
* The school will ensure that the panel cannot be made up solely of governing body members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. The panel should consist of at least three people who were not directly involved in the complaint at any point.

**The complaints review panel operates according to the following formal procedures:**

1. The clerk to the governing body will aim to arrange for the panel meeting to take place within **20 working days. (This can be exteded if the parents specifically request a later date.)**
2. The clerk will ask you whether you wish to provide any **further written documentation** in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish. We will allow the parent(s) to attend and be accompanied if you wish.
3. The headteacher will be asked to prepare a **written report** for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform you, the headteacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit **further written evidence** to the panel.
6. The letter will explain what will happen at the panel meeting and the clerk will also inform you that **you are entitled to be accompanied** to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the headteacher may invite **members of staff** directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to **put you at your ease**.
9. As a general rule, no evidence or witnesses **previously undisclosed** should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly **minuted**. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel’s discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a **copy of the minutes** it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
* you to explain your complaint
* State your expected outcome.
* you to hear the school’s response from the headteacher or schools designated person if the Headteacher cannot attend.
* you to question the headteacher about the complaint;
* you to be questioned by the headteacher about the complaint;
* the panel members to be able to question you and the headteacher;
* any party to have the right to call witnesses (subject to the chair’s approval) and all parties to have the right to question all witnesses;
* you and the headteacher to make a final statement.
1. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the headteacher and yourself **within two weeks**. All participants other than the panel and the clerk will then leave.
2. The panel will then consider the complaint and all the evidence presented in order to:
* reach a unanimous, or at least a majority, decision on the complaint;
* decide on the appropriate action to be taken to resolve the complaint;
* recommend, where appropriate, to the governing body changes to the school’s systems or procedures to ensure that similar problems do not happen again.
1. The clerk will send you and the headteacher a written statement outlining the decision of the panel **within two weeks**. The letter will explain what further recourse, beyond the governing body, is available to you.
2. We will keep a copy of all correspondence and notes on file in the school’s records but separate from pupils’ personal eductaional records. The records of complaints will not be sent to the child’s next educational setting.

Personal data will only be kept for as long as is necessary for the immediate purpose of processing. The data will be stored securely and , where appropriate enccrypted to maximise security

Information about another person will not always be available to you, The other person may give their permission. The school will be entitled to withold this information.

**For more information on personal data please see our data protection policy.**

**Further Resources**

Beyond the Governing body, the final resource for a complaint is to the Education & Skills Funding Agency. The DfE (Department for Education) can consider complaints about schools. See the Department’s website at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints) for more information. By telephone on 0370 0002288, or in writing to:

Department for Education

Piccadilly Gate

Store Street Manchester

M1 2WD

There may be occasions when it is necessary or reasonable to deviate from our published complaints procedure. This includes not doing something the procedure states we will, should or may do. We will document any deviation from our published procedure.

You should enclose a copy of any correspondence with the school or governing body. The DfE considers complaints relating to Academies on behalf of the Secretary of State. The DfE will look at whether the complaints policy and other relevant statutory policies were adhered to. However, they will not normally re-investigate the complaint and will not overturn the school’s decision.

If you should need to refer to the full procedures, please ask at the school office. All staff are familiar with the guidelines and has a duty to help parents needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents and the school.

All correspondence, statements and records relating to indivdual complaints will be kept confidential, except where the secreatry of state ( or someone else acting on their behalf) requests access to them.

**Concerns Regarding SEND Provision**

If your concern is about an aspect of **special needs provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to our **Parent Partnership** team on their helpline: **01245 436036**.

 **Complaints about Governors**

Complaints against the Chair of Governors or any indivdual governor are made to the clerk to the Governing Body, the clerk will then arrange for the complaint to be heard. This will be done by a suitably skilled and impartial member of the Governing body ( stage 1) and then a panel of committee members of the governing body ( stage 2)

An independent investigator can be sourced if necessary and if appropriate the clerk will ask from support from Governor Services, of which they the school holds membership to or will ask for support from other local school Governing Bodies.

**Time Limit Expectations**

Our procedure sets realistic and reasonable time limits for each action within each stage.

When further investigations are necessary and the time scales cannot be met, we will notify with

* New expected time limits
* Explain the delay

Three Months is a reasonable time frame from which the complaint should lodge a formal complaint following their concern. Additional time will be considered for exceptional circumstances. We consider 4 weeks a reasonable timeframe in which to escalate a complaint through each stage or for you to reply to a response from us.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. The time limit expecations will commence from this first day.

**Administrative Law**

Any decision made by the school, must also be made in line with principles of administrative law.

This means a decision is:

* Lawful – It complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010.
* They be :

Rational

Reasonable

Fair

Proportional

Decision makers are also to be mindful of the 7 principles of public life.

**Recording a Complaint**

To prevent any later challenge or disagreement over what was said within a meeting or investigation of a complaint, notes will be taken and records of telephone calls recorded in writing.

These will be recorded:

Kept securely

Enccrypted where appropriate.

We do not give consent for meetings to be recorded. The DfE do not normally except electronic recodings as evidence when they are asked to consider a complaint.

**Requesting information**

Pupils attending any type of school have a right of access under the Data Protection Act 1998 to their own information. This is known as the right of subject access. When a child cannot act for themselves or the child gives permission, parents will be able to access this information on their behalf.

FOR MORE INFORMATION PLEASE SEE OUR DATA PROTECTION POLICY.

**What happens if you’re not happy with the outcome ?**

**The Role of the Department of Education.**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the DfE. The DfE 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.

 The DfE will look at whether the complaints policy and any other relevant statutory policies were adhered to. The DfE also looks at whether statutory policies adhere to education legislation. However, the DfE will not re-investigate the substance of the complaint. This remains the responsibility of schools.

The DfE will not overturn a school’s decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the DfE finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the DfE will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The DfE normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

If you are not satisfied about the handling of their complaint you can also contact the EFA via the [schools complaints form](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1).

If a complaint goes to the EFA they will check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
2. where the academy is in breach of its funding agreement with the Secretary of State
3. where an academy has failed to comply with any other legal obligation

They will not overturn an academy’s decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy’s complaints procedure does not meet the Regulations, we will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the Headteacher; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

**Other sources of information and advice**

The Department of Education has published guidance – Best practice Advice for School Complaints Procedures 2019 – which the school adheres to.

For more information go to <https://www.gov.uk/complain-about-school/state-schools>

**Appendix 1**

**Complaints not in scope of the procedure**

The complaints procedure cover 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.

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| **Exceptions**  | **Who to contact**  |
| • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation  | Concerns should be raised direct with local authorities (LA). For school admissions, the admissions authority is the Local Authority Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman. Child Protection matters will be dealt with under the schools child protection and safeguarding policy and in accordance with relevant statutory guidance. The school will also refer to the LADO ( Local Authority Designated Officer) or the multi-agency hub (MASH ) |
| • Exclusion of children from school  | Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.  |
| • 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: whistleblowing@ofsted.gov.uk 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, Just that the matter has been addressed. |
| • Complaints about services provided by other providers who may use school premises or facilities. ( Third Parties) | Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.  |
| Complaints about the curriculum | Complaints about the content of national curriculum should be sent to DfE. The school will dealt with complaints following their procedure if it is about RE or SRE. Parents can withdraw their child from an aspect of RE, they do not have to explain why. The right of withdrawl does not apply to other areas of the curriculum where religious matters may be spontanteously raised by pupils or arise in other subjects such as a history.  |
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**Appendix 2**

**Serial and Persistent Complainants**

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools 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 for schools to recognise when they really have 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. However, schools must be careful that they do not mark a complaint as ‘serial’ before the complainant has completed the procedure.

Note: The Department for Education does not itself use the term ‘vexatious’ when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that ‘vexatious’ 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. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the Information Commissioner’s Office (ICO) website.

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a ‘serial or persistent’ marking should be against the subject or complaint itself rather than the complainant.

**Is it time to stop responding?**

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

• 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 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 - have they actually said as much in a letter, email or telephone call?

• Their letters/emails/telephone calls are often or always abusive or aggressive.

 • They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual’s behaviour is causing a significant level of disruption schools 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.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are 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 may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA 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.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

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

**Our Policy for dealing with Unreasonable Complainants**

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

Pear Tree Mead Academy defines unreasonable complainants as ‘*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints*’.

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

• refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;

• refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;

• refuses to accept that certain issues are not within the scope of a complaints procedure;

• insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;

• introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;

• makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;

• changes the basis of the complaint as the investigation proceeds;

• Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

• refuses to accept the findings of the investigation into that complaint where the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;

• seeks an unrealistic outcome;

• makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

• Maliciously;

• Aggressively;

• using threats, intimidation or violence;

• using abusive, offensive or discriminatory language;

• knowing it to be false;

• using falsified information;

• Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

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

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Pear Tree Mead Academy 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 Pear Tree Mead Academy. The Head teacher’s decision to bar should be reviewed by either:

* The Chair of Governors
* A panel of Governors

They should take into account any representations made by the induvial and decide whether to either confirm of lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining

* How long the bar will be in place
* When the decision will be reviewed.

**Our Policy for dealing with complaint campaigns**

Ocasionally, we may become the focus of a campaign and receive large volumes of complaints:

* All based in the same subject
* From complainants unconnected to the school

We may template a response to all complaints or publish a single response on the schools website.

If these complaints persist we would signpost complainants to the school’s complaints policy.

**Closure of complaints**

* Very occasionally, a school will feel that it needs, regretfully, to close an complaint where the complainant is still dissatisfied. Complainants will then move to the next stage.
* We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant’s wishes. Sometimes it is simply a case of “agreeing to disagree”.
* If a complainant persists in making representations to the school – to the headteacher, designated governor, chair of governors or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
* For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.

**All complaints will be logged with summative points in Complaints Investigation Records which are available to Ofsted on demand.**

Appendix 3

## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

* explain the complaint in full as early as possible
* co-operate with the school in seeking a solution to the complaint
* respond promptly to requests for information or meetings or in agreeing the details of the complaint
* ask for assistance as needed
* treat all those involved in the complaint with respect
* refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator’s role is to establish the facts relevant to the complaint by:

* providing a comprehensive, open, transparent and fair consideration of the complaint through:
	+ sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
	+ interviewing staff and children/young people and other people relevant to the complaint
	+ consideration of records and other relevant information
	+ analysing information
* liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

* conduct interviews with an open mind and be prepared to persist in the questioning
* keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
* ensure that any papers produced during the investigation are kept securely pending any appeal
* be mindful of the timescales to respond
* prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

#### Complaints Co-ordinator (this could be the head teacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

* ensure that the complainant is fully updated at each stage of the procedure
* liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
* be aware of issues regarding:
	+ sharing third party information
	+ additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
* keep records.

### Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

* ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
* set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
* collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
* record the proceedings
* circulate the minutes of the meeting
* notify all parties of the committee’s decision.

### Committee Chair

The committee’s chair, who is nominated in advance of the complaint meeting, should ensure that:

* both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
* the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
* complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
* the remit of the committee is explained to the complainant
* written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual’s rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

* both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
* the issues are addressed
* key findings of fact are made
* the committee is open-minded and acts independently
* no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
* the meeting is minuted
* they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### Committee Member

Committee members should be aware that:

* the meeting must be independent and impartial, and should be seen to be so

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

* the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

* many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

* extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person’s parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person’s best interests.

* the welfare of the child/young person is paramount.