

Ian Thomas
Strategic Director for
Children and Younger Adults

Beverley Smith
HR Service Partner (CAYA)

Children & Younger Adults Dept
County Hall
Matlock
Derbyshire DE4 3AG

Headteachers & Chairs of Governors

Minicom: (01629) 533240
Fax: (01629) 538992

Telephone 01629 580000
Ext

Ask For: Teresa Potter
E-mail teresa.potter@derbyshire.gov.uk
Our ref TP/ht/
Your ref
Date 03 May 2017

Dear Colleagues

Complaints Procedure – for External Complaints about the Actions of School Staff

Please find attached a revised complaints procedure which is recommended for adoption by Schools. The procedure has been agreed with the relevant professional associations and unions through the Local Authority's formal consultation arrangements. The document reflects the most recent Department for Education guidance. Schools are required to adopt and publish a complaints procedure.

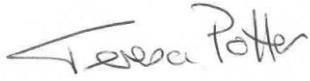
There are a few decisions for schools to make in adapting the procedure to their school's circumstances. In particular, in Section 2, schools are invited to decide whether to appoint a School Complaints Coordinator. This may be more appropriate in larger schools. Once this decision is made, schools that do not utilise this title should amend the text to match. Some schools may prefer just to determine that the Headteacher is also the complaints coordinator.

A new appendix has been added to the complaints procedure, providing for more structure and detail on the management of unreasonably persistent complaints and unreasonable complaint behaviour. It is anticipated that schools will rarely need to contemplate application of this part of the procedure and very careful prior consideration would be required. However, it is hoped that the appendix will be supportive and helpful, providing greater clarity for schools and potential complainants, when such difficult circumstances arise.

In addition to the publication of the procedure to parents and the wider community, the school must ensure all staff are aware of the process, their responsibilities under the procedure and where to access the document. If you have any queries please contact Teresa Potter or other consultants in the Schools' HR Team.

Governors may also seek advice when required from the Governor Support Service on
01629536438

Yours faithfully

A handwritten signature in black ink that reads "Teresa Potter". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Teresa Potter
Senior HR Consultant

DERBYSHIRE LA

COMPLAINTS PROCEDURE

**FOR EXTERNAL COMPLAINTS ABOUT THE
ACTIONS OF SCHOOL STAFF**

JUNE 2013

Bennerley Fields School

Date last Reviewed: 16th December 2014

CONTENTS

Page no.

Introduction	1
How will complaint be handled?	2
• Formal stage 1	
• Formal stage 2	
• Formal stage 3	
Appendix 1 – Flow Chart	8
Appendix 2 – Example of a complaint form	9
Appendix 3 – Advice, Guidance and Information	11
1. Context	
2. Managing Complaints	
2.2 Investigating Complaints	
2.3 Resolving Complaints	
2.4 Remit of The Complaints Panel	
2.5 Time Limits	
2.6 Recording Complaints	
2.7 Role of the Governing Body	
Appendix 4 – Procedure for dealing with unreasonably persistent complainants and unreasonable complainant behaviour	15
1. Introduction	
2. Definitions	
3. Aim	
4. Dealing with Unreasonably Persistent Complainants	
5. Assessing whether the action is proportionate and necessary	
6. Assessing whether further action is necessary before designation	
7. Applying restrictions	
8. Options for action	
9. Completed complaints	
10. Dealing with Unreasonable Complainant Behaviour	
11. Application of the Procedure	
12. Records	
13. Future Complaints by the same Complainant	
14. Reviews of Decisions	

COMPLAINTS PROCEDURE

1. Introduction

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England are required, under Section 29 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. It is recommended that the governing body ensures that any third party providers, offering community facilities or services through the school premises or using school facilities, have their own complaints procedure in place. The law also requires the school's complaints procedure to be publicised.

It is the responsibility of a school's Governing Body to resolve a complaint received by a school and it is, therefore, important to have a procedure for doing so which is clear and available to Governors, employees, parents, carers and members of the public. **Complaints from members of staff should be dealt with under the appropriate internal procedure (e.g. Grievance, Harassment etc.)**

From July 31 2012 section 45 of Education Act 2011 came into force removing the duty of the Local Authority (LA) to consider complaints about the curriculum, sex education and worship. Concerns regarding these areas must now be taken up with the school.

The process and procedures for complaints or appeals about:

- a) special educational needs provision *
- b) exclusions
- c) admissions
- d) child protection procedures
- e) criminal investigations

may be separate from this procedure. The Headteacher may consult with the local authority for advice on the appropriate procedure for dealing with a complaint in the areas above.

Also any complaint that leads to a disciplinary investigation will be subject to a separate specific procedure. The details of such investigations and any sanction applied are confidential but there will be a report back to the complainant giving as much feedback as is possible.

*The LA should investigate a complaint where the pupil has a statement of Special Educational Needs **and** the complaint is related to the Statement or the conduct of any centrally employed authority staff responsible for the provision made through the Statement.

Note: Derbyshire Parent Partnership offers free confidential help, advice and support for parents/carers of children with special needs or at risk/have been excluded from the school. 01629 533660.

This document provides advice and guidance on how schools should respond to external complaints. **It is important to note that anonymous complaints cannot be dealt with under this procedure.**

2. **How will complaints be handled?**

In most cases complaints are successfully resolved informally through discussions with the Headteacher or, if appropriate, and only with the agreement of them, the staff member. It is anticipated that most concerns will be handled without the need for formal procedures.

Advice from appropriate Local Authority sections is available to advise Headteachers and Chairs of Governors in responding to complaints, concerning matters of procedure and substance. Sections which colleagues may wish to contact for such advice include:

Governor Support Service
CAYA HR Advice and Guidance
Education Improvement Service
Special Educational Needs
Health and Safety
Student Services
Safeguarding

The local authority does not have a formal role in relation to the investigation and adjudication of school complaints, other than some elements of items a) to d) in Section 1 above.

The school may wish to appoint a School Complaints Co-ordinator, who may be the Headteacher. Whether or not a formal role is designated it will be important for the school to have mechanisms to track, collate and record complaints received.

There are three stages to the formal complaints procedure. A flow chart of the stages can be found in Appendix 1.

FORMAL STAGE 1

If unresolved through informal discussion with the Headteacher or relevant staff member offered by the school, the complainant may submit their concerns formally in writing to the Complaints Co-ordinator (The Head Teacher), using the attached form. (Appendix 2). This may be by email but consideration should be given to the confidentiality of the email address.

The School Complaints Co-ordinator will refer the complaint to an appropriate staff member who will investigate, report back to the complainant and inform the School Complaints Co-ordinator of the outcome. If actions are agreed with the

complainant, in response to the concerns raised, the Headteacher will be informed and any other relevant staff members. Where relevant, arrangements to keep the complainant informed of progress will be made.

The School Complaints Co-ordinator should ensure that:

- The complaint is acknowledged within two working days.
- The staff member investigates the complaint and decides how best to resolve it within a further ten working days.
- The staff member responds to the complainant in writing or meets with them (as appropriate to the situation) to provide their findings and the outcome of the complaint. This should be within two working days of completing the investigation, unless they have informed the complainant that further time will be needed in the circumstances.
- They receive a note from the staff member of the findings/outcome of the complaint, for the record and in case the complaint progresses further through the procedure.
- The complainant is advised that if they are dissatisfied with the outcome they may refer their complaint to the Headteacher at Formal Stage 2.
- The Chair of Governors is informed that a Formal Complaint has been received and what action has been taken to provide a response, without discussing the nature of the complaint at this stage.

In the event the complaint is about the way in which the school has dealt with a complaint or the complaint is about the Headteacher, the matter should be submitted in writing, preferably on the form provided, to the Chair of Governors and addressed to the Chair of Governors, The School Office, Bennerley Fields School. It will be dealt with directly at Stage 2.

It is important that the letter includes name, contact details, nature of complaint and any suggested resolution to the complaint.

FORMAL STAGE 2

If the complainant is unsatisfied with the response and wishes to pursue the matter further, through the procedure, the complainant should write to the Headteacher (or Chair of Governors where the complaint is about the headteacher) within 10 days 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.
- Any resolution they seek.
- How they can be contacted.

The letter should not be sent to other governors or to the clerk to governors to be submitted to a Governing Body Meeting. This is because other governors may be needed if the complaint is progressed further through

the formal procedure. To fulfill such a role they must not have had prior involvement in the complaint.

The Headteacher (Chair of Governors) should:

- Acknowledge the letter within two working days of receipt. (Complainants need to be aware that governors are not employees and may not receive the communication immediately.) The Chair 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 Body at this stage. They 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 1 and carry out further enquiries if required. Where the Chair/nominated governor receives a complaint they will conduct an investigation and speak to everyone involved as soon as practicable. The investigation will usually be within ten working days. (It is important to remember that governors are volunteers and may have their own work commitments.)
- Provide a written response with the outcome of the complaint. This should be within a further five working days, unless additional time is arranged.
- Advise the complainant that if they are dissatisfied with the outcome they may refer the complaint to the Complaints Panel of the Governing Body at Formal Stage 3.

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 should be informed in writing of any variations to the timescales indicated and given a revised timetable for resolving their complaint.

FORMAL STAGE 3

Governors' Complaints Panel

If the complainant is dissatisfied with the outcome of the Headteacher's (Chair of Governor's) investigation they should write to the Chair of Governors, within 10 working days of receiving the response, stating why, and request that their complaint be referred to the Complaints Panel of the Governing Body.

The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. It may also be inappropriate for the Complaints Panel to include teacher or staff Governors. In particular circumstances, where the governing body is small and it is not possible to nominate 3 governors, who do not have prior involvement or an interest in the case, then the panel may comprise 2 members.

The Clerk to Governors will convene a meeting of the Complaints Panel within 10 working days of the request, or as soon as is reasonably practicable.

At least 5 working days before the meeting members of the Complaints Panel, Headteacher/Chair and complainant will be provided with all papers to be considered at the hearing, which should include, as appropriate:

- A copy of the original complaint.
- A copy of the outcome at Formal Stage 1.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 1.
- A copy of the letter to the Headteacher (Chair of Governors) requesting an investigation at Formal Stage 2.
- A copy of the letter sent to the complainant about the outcome at Formal Stage 2.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 2 and requesting that the complaint is heard by the Complaints Committee.

The complainant should be invited to attend the meeting to state their case and should be offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend. If the Complaints Panel thinks that it would be helpful for a child to be present the Governors should 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 to state their case. They do not have to attend a meeting, in which the Complaints Panel will consider the documentary evidence relating to any investigation(s) the Headteacher or Chair of Governors carried out.

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the remit of the panel should be confirmed.
- Clarification of time allocation/constraints and any potential for adjournment
- Check all parties have all documentation.
- Complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.

- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Complainant and headteacher 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. Schools may wish to seek the services of their clerk to governors in such circumstances.

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.

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.

The Role of the Local Authority

The LA has no statutory role in resolving complaints other than those listed in Section 1 a) to d) in section 1. The authority is not able to review the school's response to a complaint and is not an appeal body.

Unsatisfied 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.**

Registered parents and carers may complain to Ofsted about issues that relate to the school as a whole eg:

- the education provided,
- underachievement of pupils or different needs not being met,
- poor leadership/management or waste of money,
- the neglect of pupils' personal development.

These issues must not relate to an individual pupil. Ofsted cannot investigate incidents or review how a school has responded to a complaint.

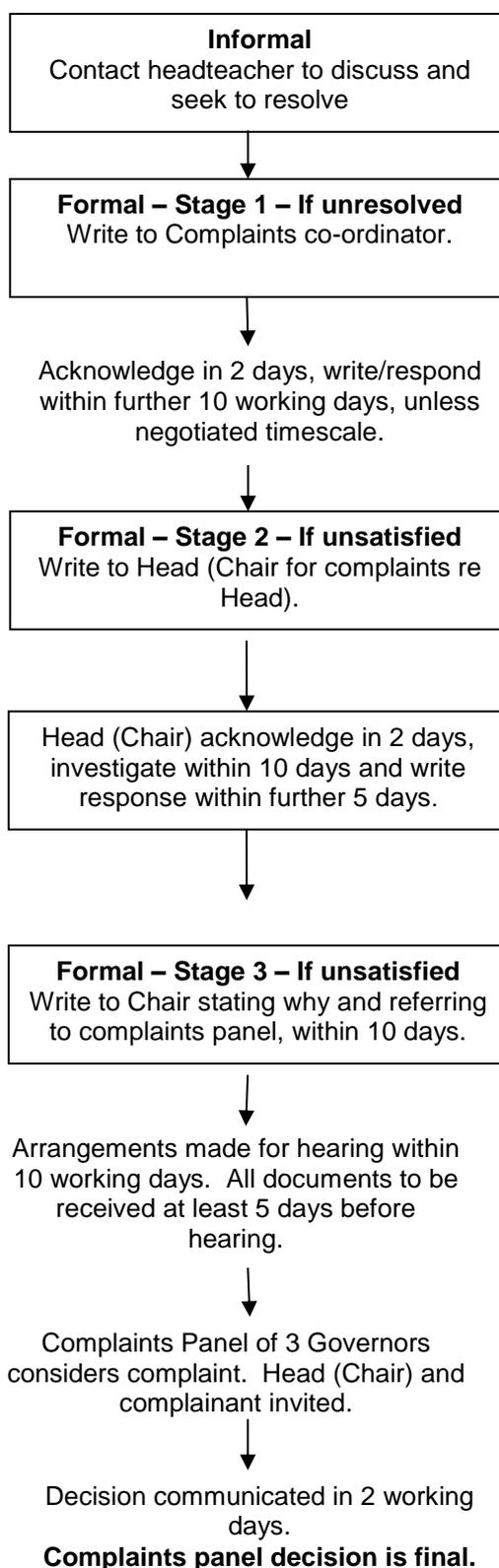
Repeated Complaints/Unreasonably Persistent Complainants and Unreasonable Behaviour

There is a procedure for dealing with unreasonably persistent complainants and/or unreasonable complaints behaviour, available as Appendix 4

Flow Chart

Appendix 1

Please check the detail of the procedure for what needs to be included at each stage.



Example of A Complaint Form

Please complete and return to The Head Teacher (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

ADVICE , GUIDANCE AND INFORMATION

1. Context

Governing Bodies are legally required to publicise their Complaints Procedure. The Governing Body must decide how to fulfil this requirement but details of the Complaints Procedure could be included in:

- The school website
- The school prospectus.
- Information given to new parents when their children join the school.
- Information given to the children themselves.
- The home-school agreement.
- School bulletins or newsletters.
- Information given to community users and in letting agreements.
- A specific complaints leaflet which includes a form on which a complaint can be made.
- Posters displayed in the main entrance or reception area of the school and others used by the public.

2. Managing Complaints

2.1. Principles

An effective Complaints Procedure will:

- Encourage **informal** resolution wherever possible and practicable.
- Be easily **accessible** and **publicised**.
- Be **simple** to understand and use.
- Be **impartial**.
- Be **non-confrontational**.
- Allow **swift** handling with established **time-limits** for action and keeping people informed of progress.
- Ensure a full and **fair** investigation.
- Respect and ensure **confidentiality**.
- Address all the issues and provide an **effective** response and **appropriate** redress where necessary.
- Provide **information** to the school's senior management team so that services can be improved.

2.2. Investigating Complaints

At each stage the person investigating the complaint, should make sure that they:

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Contact the complainant and determine whether clarification or further information is needed. Arrange to meet if necessary.
- Ascertain what the complainant feels would put things right.
- Interview the person who is the subject of the complaint and any other people involved. They should be allowed to be accompanied if they wish.
- Conduct interviews with an open mind to find out facts not judgements and be prepared to persist in the questioning.
- Keep notes of all interviews.

2.3. Resolving Complaints

It is important to be aware from the outset of the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part and an admission that the school could have handled the situation better is not the same as an admission of negligence. 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 complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review school policies in light of the complaint.

It is useful to encourage complainants to indicate what actions they feel might resolve the problem. In this respect it should be noted that complainants' views on this may be unreasonable and they should be made aware of what are reasonable and appropriate outcomes in relation to the specific nature of their complaint.

Identify areas of agreement and clarifying any issues can also create a positive atmosphere in which to discuss any outstanding issues.

2.4. Remit of The Complaints Panel

Governors sitting on the Complaints Panel need to be aware, and have a copy, of the Complaints Procedure. The school should ensure that arrangements have been made for the hearing to be minuted by the clerk to governors or other appropriate person. They should determine who will chair the meeting and distribute an agenda. (Procedure of hearing suggested above p.6)

The Complaints Panel should:

- Consider the complaint in an independent and impartial way and must be seen to do so.
- Consider the complaint in private and confidentially.
- Resolve the complaint and achieve reconciliation between the school and the complainant.
- Recognise the complainant might not be satisfied with the outcome if it does not find in their favour.
- Establish the facts and make recommendations which will satisfy the complainant that the complaint has been taken seriously.
- Acknowledge that a complainant may feel nervous and inhibited in a formal setting. Also that parents often feel emotional when discussing an issue that affects their child.
- Ensure that the proceedings are as welcoming as possible and that the layout of the room will ensure the setting is informal and not adversarial.
- Take extra care when the complainant is a child, so the child does not feel intimidated.
- Give the views of children equal consideration to those of adults.
- Give the parent(s) of a child the opportunity to say which parts of the hearing, if any, their child needs to attend.

2.5 Time Limits

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. In circumstances where further investigations are necessary new time limits can be set and the complainant should be sent details of, and reasons for, the new timescale.

2.6 Recording Complaints

The Headteacher should arrange for a **confidential** record to be kept in a complaints file of the nature and progress of all complaints, when they were made, and their final outcome. The record should include notes of all meetings and what was discussed and agreed. Notes of telephone calls and

conversations should 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.

2.7 The Role of the Governing Body

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 Body for monitoring purposes should not name individuals and should be reported in very general terms. (eg 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 Body 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.

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.

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 co-ordinated?
- 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 3 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 Body 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:

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 eg 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 Body review the decision of the Chair and Headteacher by submitting their reasons in writing. The Governing Body will consider the decision at their next meeting.