Complaints Procedure

For External Complaints

Melbourne Infant School

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FOREWORD

Please find attached a revised Complaints Procedure and Advice and Guidance which are recommended by the Local Authority to Governing Boards for adoption.

We have been asked to make an amendment to the complaints procedure – for external complaints to reflect that any complaints concerning Data Protection and Freedom of Information should be directed in the first instance to the Schools Data Protection Officer.

This amendment has been the subject of formal consultations and negotiation with the recognised Trade Unions and Professional Associations, representing school staff. Schools' Joint Consultative Committee fully agreed and adopted the revised procedure.

The Governing Board needs to formally adopt the revised procedure. Any remaining copies of the previous procedure and advice and guidance should be destroyed/deleted to avoid confusion.

Schools that wish to adopt another complaints procedure or substantively amend this document will need to undertake their own formal consultation with staff and the appropriate trade unions.
It is developed for maintained schools but it is not anticipated that academies will find the document relevant to their needs as the complaints procedures for academies differs in some significant aspects.

If you have any queries, please contact the Schools' HR Advisory Service on Schools.HRAdvisory@derbyshire.gov.uk

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Complaints Procedure

Informal

It is important to be clear about 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'.* Please approach us with any concerns at the earliest opportunity and we will take them seriously. In most cases concerns are successfully resolved informally, through discussions with the Headteacher or, if appropriate**, and only with their agreement, the staff member**. (This principle will apply throughout this procedure). The initial contact with the school may be in person by telephone, email or in writing, to make appropriate arrangements. **Complaints/ Concerns should be raised directly with the school rather than on social media sites as this allows for the concern/ complaint to be addressed.** Comments made on Social Media that are inflammatory, derogatory, offensive or make reference to a protected characteristic in such a way that contravenes the Equality Act 2010 could be prejudicial to the investigation of the compliant and will be dealt with by the school and/or the appropriate authorities. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. We are committed to doing the best for the children in our care and are keen to resolve any problems in their best interests. The sharing of concerns at this stage will reduce the numbers that develop into formal complaints. We will listen carefully to your concerns and recognise how you feel. We will seek a solution with you, taking particular account of the way in which the issue has affected your child. It is anticipated that most concerns will be handled in this way without the need for formal procedures and that normally entering the Complaints Procedure should be the last resort.

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

- Where the matter is clearly a complaint, rather than a concern, then the complainant should refer to the Complaints Co-ordinator/Headteacher, not directly to any other member of staff who may be involved. As with concerns, the Headteacher will make every effort to resolve the matter with you directly if it is appropriate to do so.
- Complaints concerning Data Protection and Freedom of Information should be directed in the first instance to our Data Protection Officer (***GDPR for Schools)*** thereafter, the most appropriate course of action will be advised depending on the nature of the complaint.
- Where the first approach is made to a Governor, they will refer the complainant to the Complaints Co-ordinator/Headteacher and advise them of the procedure. It is important for Governors to be aware that they should not act unilaterally outside the formal procedure or be involved in the early stages of a complaint.
- Any member of staff being complained about is not obliged to attend meetings with complainants either during the informal or formal stage.
- Where a complaint concerns the headteacher, the matter will be referred to the Chair of Governors.
- Complaints against the Chair of Governors or any individual Governor should be received in writing by the Clerk to the Governing Board via the school office

- Complaints against the whole Governing Board should be addressed to the Clerk of Governors who will liaise with the Local Authority.

Any concerns or complaints should be raised with the school as soon as possible after the matter arises. This will help when looking into the issue, as memories will be fresher and other relevant information more readily available. Complaints will not normally be considered after a period of more than three months has elapsed since the incident in question or, where a series of associated incidents have occurred, within three months of the last of these incidents. Exceptional circumstances will, of course be taken into account and should be referred to either the Headteacher if the complaint is to be considered at stage 1 or the Chair of Governors if the complaint is to be considered at stage 2. Please ensure you make contact with either the Headteacher or Chair of Governors as soon as you can to ask for additional time if you need it. You will need to clearly set out the reasons for the delay and why you could not make your complaint within the timescale set out in the policy. Requests will be considered on an individual basis and the complainant provided with the response within 10 school days of receipt of the request. In the spirit of openness and transparency, where the request is refused an explanation for the refusal will be provided along with the decision reached.

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

Complainants are encouraged to consider what outcome they feel will resolve the complaint, as this will support the early identification of a way forward**.** It should foster consideration by the school and the individual as to what is achievable and will be beneficial.

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If the complaint is about the headteacher, or a member of the Governing Board (including the Chair or Vice-Chair), a suitably skilled and independent Governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the Governing Board must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 1 will be considered by an independent investigator appointed by the Governing Board in consultation with the Local Authority. At the conclusion of their investigation, the independent investigator will provide a formal written response clearly explaining the outcome of the investigations and conclusions so that the complainant can understand the rationale for the decision. . If the complainant is dissatisfied with the outcome of the independent investigators investigation they should write to or, if necessary, otherwise contact the Clerk to the Governing Board, within ten working days of receiving the response. They need to state why they are not satisfied and request that their complaint be referred to a Complaints Panel of independent governors. (Stage 3) (As detailed above requests for extensions to the above timescale will be considered in exceptional circumstances.)

Formal Stage 1 (Complaint heard by Headteacher)

If the complainant is not satisfied with the response they may choose to submit their complaint formally to the Headteacher in writing, if possible, using the attached form.

It is important that the correspondence includes name, contact details, nature of complaint and any suggested resolution to the complaint. **If required, and particularly where the complainant has a disability, they can contact the school by telephone, or in person and we will arrange a meeting at a mutually convenient time/date to take down the details of the complaint.**

At this point the Headteacher may have to consider any dissatisfaction the complainant has with the way their complaint has been addressed so far as well as the initial complaint. The Head may delegate the task of collating information to another staff member but not the decision concerning the response to be provided and any action to be taken.

The receipt of the complaint will be acknowledged within three school working days of receipt by the addressee and the response provided as soon as possible and at least within a further fifteen school working days, unless the Headteacher has agreed a different timescale with the complainant owing to particular reasons.

Formal Stage 2 (Complaint heard by Chair of Governors)

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant may write to the Chair of Governors within ten school working days of receiving the response, using the form provided, to request their complaint be considered further. Alternatively they may contact the Clerk to the Governors (via the School Office*)* to make arrangements for the form to be completed with them. (As detailed above requests for extensions to the above timescale will be considered in exceptional circumstances.)

The Form or any other correspondence relating to the complaint should not be sent to other governors or to the clerk to governors to be submitted to a Governing Board Meeting. This is because other governors may be needed if the complaint is progressed further through the formal procedure. To fulfil such a role they must not have had prior involvement in the complaint.

The Chair shall acknowledge the letter within three school working days of receipt. (Complainants need to be aware that governors are not employees and may not receive the communication immediately. Likewise, envelopes marked 'private & confidential' will not be opened by others in the Chair's absence) The Chair may nominate another governor to investigate, for personal or contextual reasons.

The Chair will review the investigation conducted at stage 1 and carry out further enquiries if required. Where necessary they will speak to everyone involved as soon as practicable. The investigation will usually be within fifteen school working days. (It is important to remember that governors are volunteers and may have their own work commitments. Further, it is possible that the Chair may be away at the time the complaint is submitted and envelopes marked 'private & confidential' will not be opened by anyone else). If the

complaint is about the headteacher, this will be the first formal investigation of the complaint, as it will have been directly referred to the Chair.

A written response clearly explaining the outcome of the investigations and conclusions so that the complainant can understand the rationale for the decision should be provided within a further five school working days, unless additional time is arranged.

Formal Stage 3 (Complaint heard by Governing Board's Complaints Panel)

If the complainant is dissatisfied with the outcome of the Chair of Governor's investigation they may write to or, if writing is not possible, contact the Clerk to the Governing Board (with the school's help), within ten school working days of receiving the response. They need to state why they are not satisfied and request that their complaint be referred to the Complaints Panel of the Governing Board. (As detailed above requests for extensions to the above timescale will be considered in exceptional circumstances.)

The governors' hearing is the last school-based stage of the Complaints Process and will establish the facts and make recommendations which will assure the complainant that his or her complaint has been taken seriously.

Individual complaints would not be heard by the whole Governing Board at any stage, as this could compromise the impartiality of any panel which may be set up for a disciplinary hearing, in the rare circumstances where one is required following a serious complaint.

The Complaints Panel will comprise three independent Governors who have not previously been involved in the complaint.

The clerk will convene a meeting of the Complaints Panel within fifteen school working days of the request, or as soon as is reasonably practicable. At least five school working days before the meeting, members of the Complaints Panel, Headteacher/Chair and complainant shall be provided with all papers to be considered at the hearing.

The Headteacher and/or Chair of Governors will be invited to attend the meeting to state their case. The complainant will be invited to attend the meeting to state their case and will be offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend.

The complainant does not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence provided by the complainant. Similarly the Headteacher and/or Chair do not have to attend. If a request is made for a child to attend the meeting or if a child unexpectedly arrives at the meeting then the Complaints Panel may refuse that request or adjourn the meeting if it considers it reasonable to do so.

The role of the panel is to consider the complaint afresh, and may consider new evidence presented by either the school or the complainant. If new evidence is presented by either the school or the complainant the panel will take it into consideration if they decide it is reasonable to do so.

Complainants have the right to request an independent Complaints Panel , if they believe there is likely to be bias in the proceedings. The school will consider such a request, taking account of the reasons given, and the governors will decide whether to agree.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 3 will be heard by a committee of independent governors.

The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Reach a judgement on the appropriate action to be taken to resolve the complaint
- Recommend the consideration of changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The panel may determine an alternative outcome to the complaint, based on the same information.

The aim of the meeting is to establish the facts and make recommendations which will assure the complainant that his or her complaint has been taken seriously. The panel shall in as far as reasonably possible resolve the complaint and achieve reconciliation between the school and complainant. It is recognised that the complainant may not be satisfied with the outcome, if the hearing does not find in their favour. However it is hoped that they will feel that the consideration of their complaint has been robust.

The Chair of the Panel needs to ensure that that the complainant is notified of the panel's decision, in writing, within five school working days

The Role of the School Complaints Unit

If a complainant 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 Board has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to **LA maintained** schools in England on behalf of the Secretary of State. The SCU will look at whether the Complaints Policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU 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 SCU 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 SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU 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.

Schools may wish to contact the SCU for 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, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints
Unit 2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Complaints not in scope of the Procedure

A Complaints Procedure should cover all complaints about any school staff/governors, provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

For all categories of complaint, not in the scope of the procedure, where the LA is identified as the initial recipient please address to The Complaints Manager, Children's Services.

Exceptions	**Who to contact**
• Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt first by the LA and, if necessary, later by the Local Government Ombudsman.

• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding on **01332 642376**.
• Exclusion of children from school	Concerns should be raised first with the LA. Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing (in Derbyshire the procedure is named 'Confidential Reporting Code, Whistleblowing')	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised with the LA or 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	These matters will invoke the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities.	Providers have their own Complaints Procedure to deal with complaints about service. They should be contacted direct.
• National Curriculum – content	Please contact the Department for Education at: www.education.gov.uk/contactus

The Role of the Complainant

The person making the complaint will receive a more effective response if he/she:-

- Co-operates with the school in seeking a solution to the complaint
- Expresses the complaint in full as early as possible
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed
- Treats all those involved with respect

- Refrain from publicising the details of their complaint on social media and respect confidentiality

The Role of the Headteacher

The Headteacher shall :-

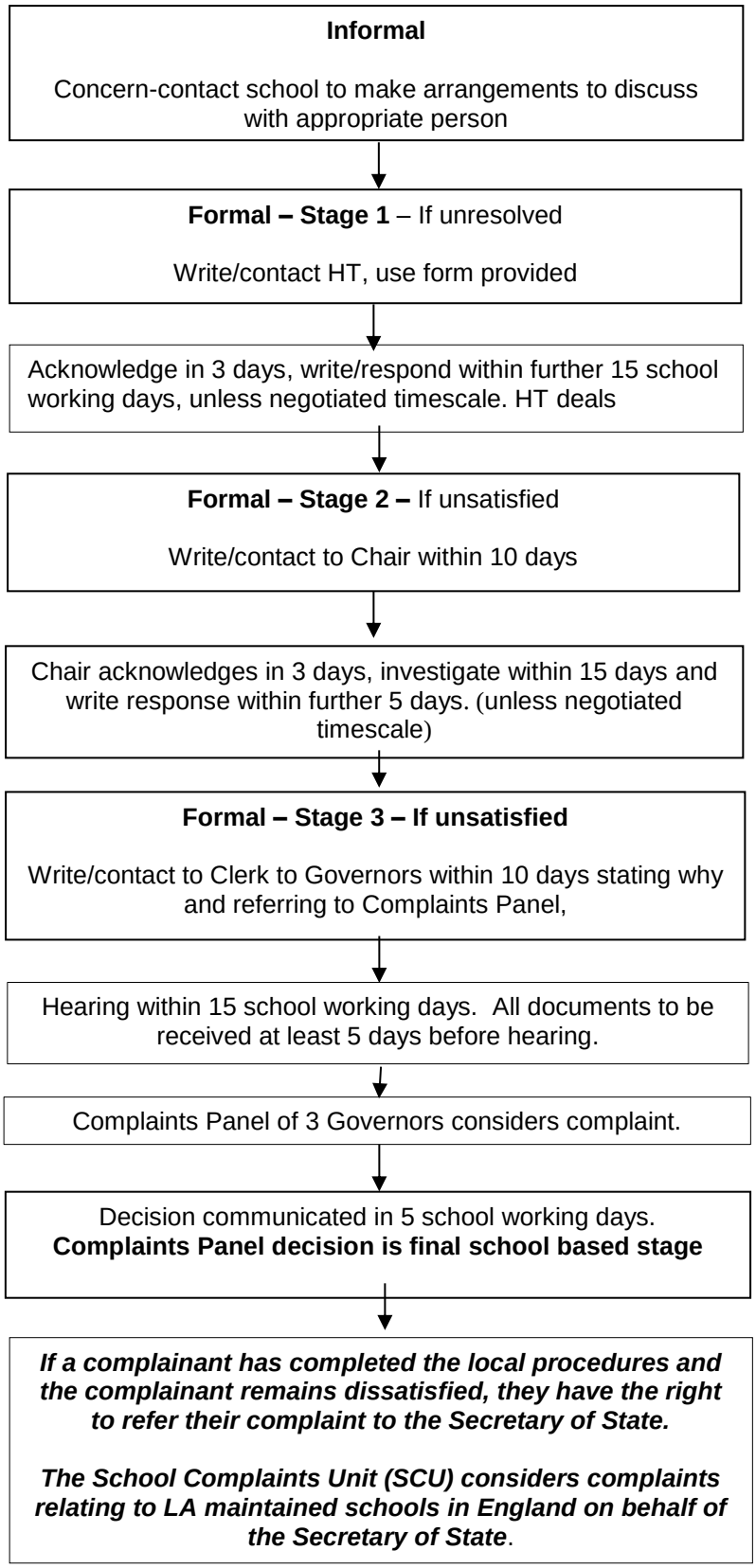
- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the procedure are be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018 and Freedom of Information Act 2000
- Liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the Complaints Procedure
- Keep records
- Be aware of issues regarding:
  - third party information
  - additional support – this may be needed by complainants when making a complaint (including arranging for interpretation support

Serial and/or Unreasonably Persistent Complainants and/or Unreasonable Complainant Behaviour

If properly followed the Complaints Procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair is able to inform them in writing that the procedure has been exhausted and the matter is now closed. **Please consult the full procedure for dealing with serial and/or unreasonably persistent complainants, vexatious complaints and/or unreasonable complaints behaviour, available as Appendix 3.**

Appendix 1

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



Appendix 2

Example of A Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken. **If you have a disability or special requirements you can contact us by telephone and we will arrange for an independent individual to help you by writing out your complaint.**

Your name: Pupil's name (if relevant): Your relationship to the pupil (if relevant): 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:

Appendix 3

Procedure for dealing with Serial and/or 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. The school 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. 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

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

- introduces 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, often immediately or to their own timescales;

- 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 investigated and often expecting immediate responses;

- submits 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;

- seeks an unrealistic outcome;

- refusal to accept the decision reached on the complaint, repeatedly arguing the point and complaining about the decision, when the school's Complaints Procedure has been fully and properly implemented and completed.

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. Examples of unreasonable complainant behaviour include:-

- refusal by complainant to specify the grounds of a complaint, despite offers of assistance;

- 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.

A complaint may also be considered unreasonable if the person making the complaint does so either face to face, by telephone, 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.

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

Complainants should limit the number of communications with a school while a complaint is being dealt with. It is not helpful if repeated correspondence is sent (via any medium) as it could delay the outcome being reached and could lead to a determination of unreasonable complaint behaviour.

Wherever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying a determination of 'unreasonable' complaint behaviour.

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 will 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.

Under no circumstances should an individual be designated as making a serial complaint for exercising their democratic right to refer their complaint to their local MP, regardless of which stage the complaint has reached.

7. Applying restrictions

Before applying any restrictions, the complainant will be given a warning in writing that if his/her actions continue, the school may determine to treat him/her as,

- pursuing a serial and/or unreasonably persistent complaint, and or
- adopting unreasonable complaint behaviour.

Any sanction applied will usually be reviewed after 6 months.

8. Options for action

In determining the precise nature of the action the School will take, consideration will be given to what is 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 Complaints Procedure then there is no further avenue through which to pursue the matter with the school. Should correspondence from the complainant continue, the Chair of the Governing Board will write to the complainant to inform him/her that the matter is at an end and the School will not enter into further correspondence about the complaint, and any further letters on the same subject will be read and placed on file, but will receive no acknowledgement or response.

10. Dealing with Unreasonable Complainant Behaviour

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

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

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 premises. (see section 15 below). The letter will require the individual not to repeat the behaviour and, if necessary, set conditions and restrictions for further contact with staff.

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

a. 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.

b. Personal contact

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

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

Examples of aggressive and unreasonable behaviour can include:

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

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

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

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

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

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

11. Application of the Procedure

If the decision is made to apply the procedure, the Chair of Governors will write to the complainant including the following information.

- 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.

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 Citizens' Advice Bureau.

If a complainant persists to the point that the school considers it **may** constitute harassment or a risk to the safety of staff, school should consider contacting the police and obtain legal advice as the next steps Different procedures apply to Freedom of Information (FOI) and Data Protection (DP) correspondence. The school should consult their FOI or DP advisor about these. Regardless of any communication strategy, school must provide parents and carers with the information that are entitled to under The Education (Pupil Information) (England) regulations 2005 within the statutory time frame. Different procedures apply to FOI and DP correspondence. Schools should seek further advice from their FOI and DP advisor about any request.

More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website and the office can be approached for advice.

12. Records

Adequate records must be kept of all contacts with unreasonably persistent complainants and complainants behaving unreasonably. The information will 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 will be treated on its merits. Complainants have a right to have any new complaint heard and failure to respond at all to a complaint could mean that the school is failing to comply with its legal obligations. The school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard. When the behaviour of the complainant has previously been determined as 'unreasonable complainant behaviour' 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 a school term**,** consideration may be given to cancelling the restrictions. However, urgent assessment will be necessary to re-introduce them if behaviour which led to the original decision recommences.

The Complainant may request that the Governing Board review the decision of the Chair and Headteacher by submitting their reasons in writing. The Governing Board will consider the decision at their next meeting. The complainant does not have an automatic right to attend the meeting of the Governing Board.

15. Barring from the School Premises

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

If a parent's behaviour is a cause for concern, a school can ask him/her to leave the school premises. In serious cases the school 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 may wish to make. The school will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be reviewed taking into account any representations made by the parent and either confirmed or lifted. The decision will be notified in writing and, if the bar is confirmed, the parent 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 complainant may wish to seek their own independent advice.