

Complaints Procedure

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Belper School and Sixth Form Centre about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought.'*

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'* following a concern that has been raised.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Belper School and Sixth Form Centre takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Belper School and Sixth Form Centre will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in writing or by telephone. 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.

Concerns should be raised via email through the school office at belperschool@belperschool.co.uk, who will contact the appropriate person. In line with the Communication Policy, complaints or concerns should be not raised via personal email addresses. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the Headteacher via the school office at belperschool@belperschool.co.uk. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the school office at belperschool@belperschool.co.uk. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office at belperschool@belperschool.co.uk. Please mark them as Private and Confidential.

All complaints should be submitted using the complaint form included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you. Please do not submit a form if you have not previously raised a concern.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not investigate anonymous complaints.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. Complaints made on the last day of term will be held over to the following term for investigation and review.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Belper School and Sixth Form Centre, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Derbyshire County Council.
<ul style="list-style-type: none">• 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 or the Multi-Agency Safeguarding Hub (MASH). Worried About a Child?
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, Ofsted, Local MP, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Belper School and Sixth Form Centre in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Belper School and Sixth Form Centre wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the concern could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office at belperschool@belperschool.co.uk or headteacher@belperschool.co.uk. This should be done in writing on the Complaint Form.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing by email within 5 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Belper School and Sixth Form Centre will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office at belperschool@belperschool.co.uk or governors@belperschool.co.uk.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Belper School and Sixth Form Centre available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. The complainant and a representative of the school (usually the headteacher) should be invited to make representations. All written material, including papers from Stage 1, will be accessible by the committee.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Belper School and Sixth Form Centre with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Belper School and Sixth Form Centre.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Belper School and Sixth Form Centre will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Belper School and Sixth Form Centre. They will consider whether Belper School and Sixth Form Centre has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Complaint Form

Please complete and return to the school office at belperschool@belperschool.co.uk who will acknowledge receipt and explain what action will be taken.

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, including the name of the person who dealt with the initial concern and outcome.

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:

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 (Headteacher's PA)

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/School Office are the contact point for the complainant and the committee and should:

- The clerk 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)
- The school office should 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
- The school office should 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
- The clerk should record the proceedings
- The clerk should circulate the minutes of the meeting
- The clerk should 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.

Appendix 1

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, 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 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 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 2 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 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.

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 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 6 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. The complainant does not have an automatic right to attend the meeting of the Governing Body.

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.