



# The Ecclesbourne School

'Learning Together for the Future'

## GENERAL COMPLAINTS POLICY

March 2022

### Purpose

1. To establish a procedure for dealing with complaints relating to the school, as required by section 29(1) (a) of the Education Act 2002.

### Scope

2. All matters relating to the actions of staff and application of school procedures except matters relating to:

- student exclusions,
- student admissions,
- staff discipline,
- staff grievance

which are subject to separate procedures.

### General Principles

3. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

4. To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matters raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.

5. Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

### **Complaining about the actions of a member of staff other than the Head Teacher.**

#### Informal Stage

6. The complainant is normally expected to arrange to communicate directly with the School Office<sup>1</sup> responsible for the child concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. [In the case of serious concerns it may be appropriate to address them directly to the Head Teacher<sup>2</sup>.] An unreasonable refusal to attempt an informal resolution

may result in the procedure being terminated forthwith. [Any dispute in relation to the “reasonableness” may be determined through the review process].

### Formal Stage

7. If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Head Teacher<sup>2</sup>, who will be responsible for its investigation<sup>3,4</sup>.

8. The member of staff who is subject of the complaint will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Head Teacher<sup>2</sup>. Once there has been an opportunity for the member of staff to consider this, he/she will be invited to meet separately with the Head Teacher<sup>2</sup>, in order to present written and oral evidence in response. The member of staff may be accompanied at this meeting by a friend or representative.

9. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher<sup>2</sup> may meet with the complainant to clarify the complaint<sup>5</sup>.

10. The Head Teacher<sup>2</sup> will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

11. The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. [Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released]
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential [e.g. where staff disciplinary procedures are being followed]

12. The complainant will be told that consideration of their complaint by the Head Teacher<sup>2</sup> is now concluded.

13. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher<sup>2</sup> in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher<sup>2</sup>, and include a statement specifying any perceived failures to follow the procedure. The procedure described in the section titled *Review Process* will be followed.

14. If the complainant considers that the decision of the Head Teacher<sup>2</sup> is perverse, or that the Head Teacher<sup>2</sup> has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher<sup>2</sup> under the section titled *Complaining about the actions of the Head Teacher* of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

15. If the Head Teacher feels it is appropriate they will seek the advice of external bodies in relation to the nature of the complaint. This can include legal advice and support from the Local Authority.

## **Complaining about the actions of the Head Teacher**

### Informal Stage

15. The complainant is usually expected to arrange to speak directly with the Head Teacher<sup>2</sup>. [In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body<sup>6</sup>] Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

### Formal Stage

16. If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body<sup>6</sup> who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair<sup>6</sup> will arrange for its investigation.

17. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc.... In addition the complainant may be invited to meet with the Chair<sup>6</sup> to present oral evidence or to clarify the complaint<sup>5</sup>.

18. The Chair<sup>6</sup> will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

19. The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair<sup>6</sup>. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair<sup>6</sup>, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.

20. When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

21. The complainant will be told that consideration of their complaint by the Chair<sup>6</sup> is now concluded.

22. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair<sup>6</sup> is perverse, or that the Chair<sup>6</sup> has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair<sup>6</sup>. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair<sup>6</sup>, and include a statement specifying any perceived failures.

## **Complaining about community facilities or services that the school supplies**

### Informal Stage

23. The complainant is normally expected to arrange to communicate directly with the Finance Director. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. [In the case of serious concerns it may be appropriate to address them directly to the Head Teacher<sup>2</sup>.] An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. [Any dispute in relation to the "reasonableness" may be determined through the review process].

### Formal Stage

24. If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Head Teacher<sup>2</sup>, who will be responsible for its investigation<sup>3,4</sup>.

25. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher<sup>2</sup> may meet with the complainant to clarify the complaint<sup>5</sup>.

26. The Head Teacher<sup>2</sup> will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint or responsible for facilities or services supplied by the school, that member of staff may be accompanied by a friend or representative if they wish.

27. The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. [Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released]
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential [e.g. where staff disciplinary procedures are being followed]

28. The complainant will be told that consideration of their complaint by the Head Teacher<sup>2</sup> is now concluded.

29. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher<sup>2</sup> in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher<sup>2</sup>, and include a statement specifying any perceived failures to follow the procedure. The procedure described in the section titled *Review Process* will be followed.

30. If the complainant considers that the decision of the Head Teacher<sup>2</sup> is perverse, or that the Head Teacher<sup>2</sup> has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher<sup>2</sup> under the section titled *Complaining about the actions of the Head Teacher* of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

### Review Process

31. Any review of the process followed by the Head Teacher<sup>2</sup> or the Chair<sup>6</sup> shall be conducted by a panel of 3 members of the Governing Body.

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

33. The panel will first receive written evidence from the complainant.

34. The panel will then invite the Head Teacher<sup>2</sup> or the Chair<sup>6</sup>, as appropriate, to make a response to the complaint.

35. The panel may also have access to the records kept of the process followed.

36. The complainant, and the Head Teacher<sup>2</sup> or the Chair<sup>6</sup>, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable]

37. The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential<sup>7</sup>.

38. If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

#### The schools response to managing serial and unreasonable complaints

39. The Ecclesbourne School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our 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.

40. The Ecclesbourne School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

43. Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

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

45. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The Ecclesbourne School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from The Ecclesbourne School.

### **Superscripts**

<sup>1</sup> or other designated post-holder/middle manager, such as a Key-stage Co-ordinator, Head of Department, Head of Year.

<sup>2</sup> or other designated member of staff on behalf of the Head Teacher [in such case the head must be satisfied that the process has been conducted properly and accept responsibility for the same].

<sup>3</sup> Alternatively the complainant may be referred back to the informal stage of the procedure.

<sup>4</sup> If the complaint is judged to be vexatious<sup>8</sup>, then the complainant will be informed that their complaint will not be accepted and will not be investigated.

<sup>5</sup> it may be appropriate to offer the complainant the opportunity to be accompanied by a friend at any such meeting.

<sup>6</sup> or designated governors' committee responsible for investigating complaints.

<sup>7</sup> For the avoidance of doubt, it may be helpful to specify the persons who are allowed access to the records.

<sup>8</sup> Problems may arise where the complainants are unreasonable and are not seeking to have a situation remedied but are determined to extract retribution for some real or imagined wrong.