



Cleves School
Learning Together

COMPLAINTS PROCEDURE

Review date	July 2015
Reviewed by	The Governing Body of Cleves School
Review cycle	Every 2 years
Next review date	July 2017

Introduction

The aim of this procedure is to seek a resolution to a complaint and restore positive relationships. In the case of parental complaints the aim is to arrive at a resolution that is in the best interests of the pupil.

The Education (Independent School Standards) Regulations 2010 placed a duty on academy governing bodies to establish procedures for handling general complaints. The procedure must include;

- an opportunity to resolve the complaint with the school on an informal basis, for example through discussion with a senior member of staff;
- a formal complaint stage when the complaint is made in writing and usually responded to by the chair of governors; and
- a hearing with a panel set up by the academy trust, comprising of three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the academy. Parents must be allowed to attend the panel and be accompanied if they wish.

The following types of complaint are subject to other statutory procedures that are separate from this general complaints procedure:

Complaint by a member of school staff	School Grievance Procedure. For further information contact the school.
Pupil exclusion	Right to make representations about fixed term exclusion to Governors' Pupil Discipline committee. Where there is an unresolved dispute regarding a fixed term exclusion involving an allegation of disability discrimination the complainant has the further right of appeal to First-Tier Tribunal (Special Educational Needs and Disability, (SENDIST)). Right of review to independent panel for permanent exclusion. For further information contact the Exclusion and Reintegration Advisory Service via the Surrey County Council Contact Centre on 03456 009 009.
Pupil admissions	Separate procedures apply. For further information contact

	the school.
Child protection /safeguarding	Surrey Safeguarding Children Board procedures apply. For further information contact the Contact Centre as above.
Statements of Special Educational Needs and Disability (SEND)	Surrey County Council's statutory assessment procedures apply if a parent requests a statement. Right of appeal to SENDIST. For further information contact the SEN Management Team via the Contact Centre as above.
Freedom of information and data protection	Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 only of the complaints procedure should be completed. This will ensure that the complainant has access to further action via the Information Commissioner's Office (www.ico.org.uk) within appropriate timescales.
<p>Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010. Protected Characteristics are:</p> <ul style="list-style-type: none"> • Disability • Gender reassignment • Pregnancy and maternity • Race • Religion or belief • Sex • Sexual orientation 	<p>The complaints procedure applies, but complainant has further right of appeal to SENDIST for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.</p> <p>The complaints procedure and the First-Tier Tribunal procedure can run in parallel.</p>

General principles

- The aim of these guidelines is to achieve a resolution to concerns and complaints made by parents or members of the public. Most concerns can be resolved informally without any need to involve the governing body. However, if a concern becomes a complaint then this four-stage process will be used. It is not possible to jump stages in the procedure; it is a fundamental principle that each party must be allowed the opportunity to resolve the complaint before it is escalated to the next stage.
- The majority of parents/carers of children attending Cleves have a positive relationship with their child's teachers and other staff; this relationship is based on mutual respect and an understanding that both parties have the child's best interests at heart. This is the basis on which Cleves operates and is

another key principle of these procedures.

- Any complaint raised will be treated seriously and courteously. You will be given the opportunity to make your concerns known and school staff must be given time to investigate them properly in order for the matter to be resolved to everyone's satisfaction. It is important that you have confidence in these procedures and know that the matter will be investigated impartially and dealt with as quickly as possible. Resolving concerns involves balancing the rights and responsibilities of pupils, parents and staff; there should be recognition that responsibility rests with each of these parties.
- To comply with equalities legislation the school will be sensitive to the individual needs and circumstances of the complainant. No-one should be excluded from the complaints system because of any difficulties they may have in representing themselves either in writing or in person.
- The school's web site contains basic information on the complaints procedure.
- If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.
- The investigation of a complaint will not deal with staff disciplinary matters. If, however, during the course of considering a complaint, it is concluded that disciplinary procedures should be initiated, the governing body will consider this as a separate action.
- Confidentiality will be maintained at all times by all concerned. All conversations and correspondence must be treated with discretion. However, some sharing of information within the school will be inevitable if the complaint is to be investigated fully and fairly. This will be done with sensitivity and will take into account confidentiality. You should feel confident that a complaint will not disadvantage your child.
- The school is mindful of the Data Protection Act and is not allowed to disclose personal information relating to third parties, i.e. other pupils, other parents, staff etc.
- Anonymous complaints, whilst difficult to manage and resolve, will be recorded and referred to the Headteacher or Chair of the Governing Body in the same way as other complaints. The fact that a complaint is from an anonymous source will not in itself justify a decision not to investigate the matter, nor will it rule out referral to other procedures as appropriate, e.g. child protection.
- The headteachers and governors will be prepared to investigate and review complaints up to six months after the event and even after a pupil has left the school.
- Where the concern relates to the conduct of a governor, a protocol is contained in section 6.

Stage 1 – Discuss concern with a member of school staff

1.1 Guidelines

1.1.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the

class teacher or appropriate senior leader, e.g. Head of Year, Deputy Headteacher or the Headteacher.

1.1.2 If you raise a concern at this stage with a governor, the governor will refer you to the most appropriate member of staff and inform the Headteacher. Governors should not be involved in the early stages of complaints.

1.1.3 You should feel able to raise concerns with school staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on your behalf and the school will be sensitive to the needs of individuals. At first it may be unclear whether you are asking a question or expressing an opinion rather than making a complaint, therefore, you may wish to have a preliminary discussion about an issue to help decide whether or not you wish to take it further. Concerns should be raised in private, at an appropriate time and not when other parents, pupils or staff can overhear, otherwise it is difficult for the school to observe confidentiality.

1.1.4 The school will act to ensure that the it remains a safe place for pupils, staff and members of the community. Abusive, threatening or violent behaviour will not be tolerated and people behaving in this way will be removed from the site and risk prosecution.

1.2 Procedure

1.2.1 You should be given an opportunity to discuss your concerns privately with the appropriate member of staff who can clarify the nature of your concern. The staff member should reassure you that the school wants to try and resolve the matter. It may also be helpful at this point to identify the outcome you are seeking.

1.2.2 In many cases this will lead to immediate resolution of the issue but in some circumstances the staff member will need to have some time to investigate your concerns and get back to you.

1.2.3 The member of staff will ensure that appropriate action is taken to deal with the matter speedily - usually within five school working days. Staff will also notify the Headteacher that a concern has been raised.

1.2.4 Where the concern relates to the specific actions of a member of staff, you should initially meet with the Headteacher to discuss the problem (see Stage 2). In the rare circumstances where the complaint is against the Headteacher, then you should contact the Chair of the Governing Body via the school and proceed to Stage 3 of the process.

1.2.5 In most cases the member of staff who is dealing with the concern will respond to you verbally. This stage of the process seeks to resolve your concern as informally as possible. A written response will only be provided if this seems to be the best way of making the process or the outcome clear.

1.2.6 Where a response (verbal or written) has been received but is considered to be unsatisfactory, then you should inform the Headteacher within ten school working days that you wish your concern to be considered further (Stage 2).

Stage 2 – Consideration by the headteacher

2.1 Guidelines

2.1.1 As the Headteacher has responsibility for the day-to-day running of the school, s/he has responsibility for the implementation of the complaints procedure, including decisions about his/her own involvement at the various stages. This has the benefit of allowing different points of view to be considered and alternative approaches or solutions to be taken into consideration by the Headteacher.

2.1.2 The Headteacher will need to make arrangements to ensure that his/her involvement does not dominate every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher makes contact with complainants at Stage 2.

2.1.3 If your complaint is about the conduct of the Headteacher then you must contact the Chair of the Governing Body who will initiate Stage 3 of the complaints procedure.

2.2 Procedure

2.2.1 Stage 2 complaints should be in writing unless you are unable to express the complaint in writing, in which case please contact the school for advice.

2.2.2 Your letter will be acknowledged in writing within three school working days of receiving the complaint. The acknowledgement will include a copy of this complaints procedure and a target date for providing a response to your complaint. This will normally be within ten school working days. Where this is not possible, a letter will be sent explaining the reasons for the delay and giving a revised target date.

2.2.3 The Headteacher (or designated member of staff) will normally offer an opportunity for a parent of a pupil to meet with him/her to discuss the concern and supplement any of the information provided previously. This may not always be necessary for complainants who have stated their concern in writing or by telephone or email. If you want a meeting with the Headteacher you should request this.

2.2.4 If you meet with the Headteacher a note taker may be present to record the main points of the discussion; s/he will let you have a copy of the notes. You may, if you wish, be accompanied to this meeting by a friend, relative, representative or advocate who can speak on your behalf. You must, however, inform the school whom you intend to bring to the meeting. The school will facilitate interpreting facilities, if required, provided that you give notice of your requirements. N.B. If the complaint relates to a child protection concern there is a different set of procedures, which MUST be followed (Surrey Safeguarding Children's Board Procedures).

2.2.5 Once all relevant facts have been established, the Headteacher will write to you and may wish to meet you to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve your complaint.

2.2.6 Where the Headteacher considers that disciplinary action for either a staff member or a pupil is required, you will be informed that appropriate action has been taken, but the specific sanction will remain confidential and cannot legally be disclosed to you for reasons of confidentiality and the rights of individuals.

Stage 3 - Consideration by the nominated governor(s)

3.1 Guidelines

3.1.1 If a complaint is about the conduct or actions of the Headteacher, or if the Headteacher has been unable to resolve the issues to your satisfaction, you should put your complaint in writing addressed to the chair of governors at the school.

3.1.2 It is in the interest of all parties concerned to try and resolve the complaint at this stage. If a decision is taken to move to Stage 4 the process inevitably becomes more adversarial.

3.1.3 The Chair of the Governing Body will decide who will investigate your complaint at Stage 3 and may choose to delegate the management of the complaint to the Nominated Governor(s). The Nominated Governor(s) will investigate your concerns in detail and make recommendations. This person will be precluded from reviewing the complaint at Stage 4. One of the reasons for having the Nominated Governor(s) at this stage in the complaint procedure is to reassure you that an impartial person is carrying out the investigation.

3.1.4 The Nominated Governor(s) will be objective and impartial and you should trust them to do everything they can to resolve the complaint. It should be noted that governors are volunteers and not normally education experts. They have to fit in their governor duties around their own work and personal commitments. They will, however, have a good knowledge of the school and will be focussed on delivering good 'customer care'.

3.1.5 The Nominated Governor(s) should be in a position to prioritise the investigation at this stage to ensure its timely resolution. Governors have a responsibility for implementation of the school's complaints procedure and are acting on behalf of the full governing body in this regard.

3.1.6 Governors know that this is a confidential process and will not share information with parties other than those directly involved with the complaint - this includes other governors who may have to be involved at a later stage. You should not attempt to involve other governors in your complaint as this may compromise their objectivity in taking part in any Stage 4 Complaint Review Panel.

3.1.7 Governors are mindful of the Data Protection Act and will not disclose personal information relating to third parties, e.g. other pupils, parents and staff.

3.1.8 Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 is the final stage of the complaints procedure. It is recommended that two governors, with no previous involvement in the matter, undertake the internal review and ensure that the complainant is provided with details of next steps i.e. that if the complainant remains dissatisfied following the internal review; they have access to further action via the Information Commissioner's Office website (www.ico.org.uk).

3.2 Procedure

3.2.1 You should put your complaint in writing in order to clarify the individual aspects of the complaint and/or to highlight any outstanding issues unresolved at Stage 2. Your complaint should be sent to the Chair of the Governing Body who will either investigate your complaint personally or nominate another governor to do so.

3.2.2 The Nominated Governor(s) will acknowledge receipt of your complaint in writing within five school working days and give you a target date for providing a response (this will normally be within ten school working days of receipt of the complaints form). Where this is not possible a letter will be sent to you explaining the reasons for the delay and revising the target date.

3.2.3 At this stage the Nominated Governor(s) should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation.

3.2.4 You may, if you wish, be accompanied to the meeting by a friend, relative, representative or advocate. You must inform the school whom you intend to bring to the meeting. The school should support you in seeking interpreting or advocacy services if they are required. You should request assistance well in advance of the meeting.

3.2.5 It is important for the Nominated Governor(s) to remain as objective as possible whilst conducting the investigation. Any correspondence or written statements from previous stages of the complaint will be made available to the Nominated Governor(s). The Nominated Governor(s) should then discuss the issues with the Headteacher and/or other members of staff. On the basis of the written evidence and discussions the Nominated Governor(s) may require the Headteacher to obtain further evidence or statements. The Headteacher's investigation notes may be covered by the Data Protection Act 1988 and may not be available to you.

Stage 4 - Consideration by a review panel of governors

4.1 Guidelines

4.1.1 Complaints rarely reach this stage. All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at Stage 2 or the investigation by the Nominated Governor(s) at Stage 3. It is not possible to go straight to Stage 4 in this procedure. Stages 1 to 3 must first have been completed in order to try and achieve a resolution.

4.1.2 A Complaint Review Panel will be convened to review the matter in detail. The panel will consist of two governors and one person who is independent of the management and running of the school. The panel will normally invite you, the Headteacher and the Stage 3 Nominated Governor(s) to attend the meeting to explain their actions. If you choose to decline this invitation or fail to attend, the review will go ahead in private (without all invitees) using only the written evidence.

4.1.3 If the Complaint Review Panel believes that the procedure has not been correctly followed, or that the evidence does not support the conclusion taken at Stage 3, or that the process was flawed in some way, then it can uphold the complaint and direct the school to re-investigate the matter. The Complaint Review Panel will not simply overturn the decision taken by the Headteacher or the Nominated Governor(s) because you do not agree with the outcome.

4.1.4 A Complaint Review Panel may fully or partially uphold a complaint or indeed overturn it. It will provide reasons for its decision in writing. Stage 4 is the final stage of the school complaints procedure.

4.1.5 This may be the last chance for a solution or compromise to be reached; every effort should be made to reach agreement.

4.1.6 Members of the Complaint Review Panel need to be able to consider the complaint in an objective manner. Legally speaking, prior knowledge of the complaint, or of the general situation leading up to the complaint, does not preclude a governor from taking part in a review. However, some complainants are less confident with the composition and objectivity of the Complaint Review Panel if some or all of its members have prior knowledge of the details. Ultimately the ability to remain objective is a matter for both the individual panel member and the governing body to decide.

4.1.7 In the interests of equality and fairness complaint reviews should normally be held at a time and venue which is mutually convenient for all parties to attend. This may be at the school, in which case sufficient time will be allocated and attention to comfort and confidentiality will be given. In some cases other

public buildings may be used to hear complaints.

4.1.8 All Stage 4 decisions will be communicated in written format after the hearing. If you require assistance in accessing the decision, the school will make sure you are given assistance and support, providing you let them know you will need this.

4.2 Procedure

4.2.1 You should write to the Chair of the Governing Body requesting that your complaint is reviewed by a Complaint Review Panel. Following your request the procedures outlined below will be followed:

The Clerk to the Complaint Review Panel (usually the Clerk to the Governing Body) will write to you to acknowledge receipt of the written request within five school working days. The acknowledgement will inform you that a Complaint Review Panel will review the complaint ideally within thirty school working days of receiving your request, unless there are exceptional circumstances.

The letter will also explain that both you and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send further documentation to the Clerk to the Complaint Review Panel at least ten school working days before the review meeting. All concerned, including you, should receive any relevant documents at least five school working days prior to the review meeting. Only in exceptional circumstances will new evidence be accepted after this time and this is at the discretion of the Chair of the Complaint Review Panel.

The date, time and venue should be at convenient time for all parties. Up to three possible dates should be offered to you but if these are unsuitable then the review will be conducted in private. This will involve detailed consideration of all the written evidence by the Complaint Review Panel but will not require your attendance or that of the Stage 3 Nominated Governor(s) and the Headteacher. The Clerk to the Complaint Review Panel will be in attendance to minute the.

You should be notified in writing of your right to be accompanied to the review meeting by a friend/advocate/interpreter. The letter should also explain that the meeting will be conducted in line with the guidelines Guidance for Conduct of a Complaint Review Panel (4.3).

The Clerk to the Complaint Review Panel will convene the meeting for the Stage 4 Complaint Review Panel and will distribute all the paperwork. The panel will elect a Chair for the review hearing. This must not be the Headteacher or other member of staff who is a governor of the school; nor can it be the Chair of the Governing Body or Nominated Governor(s) if they have been involved at a previous stage of your complaint.

The Complaint Review Panel may request that members of staff produce written reports, if appropriate. The panel will not interview children or invite pupils as witnesses to the review meeting.

It is the responsibility of the Chair of the Complaint Review Panel to ensure that the Clerk to the Complaint Review Panel properly minutes the meeting.

4.2.2 The aim of the meeting will be to review how the school has managed the complaint and, if possible, to achieve reconciliation between you and the school. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action in order to satisfy you that your complaint has been taken seriously.

4.2.3 At the conclusion of the meeting the Chair of the Complaint Review Panel should explain that the panel would consider its decision and write to all parties with the outcome of the review within seven school working days.

4.2.4 A report and any recommendations will be made to the school's governing body at the next full meeting.

4.2.5 A written statement outlining the decision of the Complaint Review Panel will be sent to you and the Headteacher .

4.3 Guidance for conduct of a Complaint Review Panel

4.3.1 The Chair of the Complaint Review Panel will invite everybody into the room at the same time. S/he will facilitate introductions and clarify roles.

4.3.2 The Chair of the Complaint Review Panel will explain to all present the purpose of the meeting, which is to:

- review evidence and outcomes from Stages 1 to 3
- evaluate whether the school has followed its policies and procedures
- consider ways to achieve reconciliation between the school and the complainant .

4.3.3 The Chair of the Complaint Review Panel will then outline the procedure for the meeting. He/she should listen to any concerns about the procedure but has the final decision about the arrangements:

- The complainant will outline their complaint
- The Headteacher will be given the opportunity to seek clarification from the complainant
- The panel may seek clarification from the complainant
- The Headteacher and the Nominated Governor(s) (Stage 3) will state the school's case
- The complainant will be given the opportunity to seek clarification from the Headteacher and/or Nominated Governor(s)
- The panel may seek clarification from the Headteacher and/or Nominated Governor(s)
- The Headteacher and/or Nominated Governor(s) will be given the opportunity to summarise their position
- The complainant will be given the opportunity to summarise why s/he feels the school has not properly addressed the complaint
- The meeting will then close and the panel will deliberate. The Clerk to the Complaint Review Panel will remain to offer procedural advice.

4.3.1 The Complaint Review Panel will then arrive at its decision. This will cover:

- findings on the complaint
- appropriate action to be taken by the school
- any recommended changes to the school's systems or procedures
- that the decision will be notified to all parties, in writing, within seven school working days.

5. Further action after all four stages are complete

5.1 The Education Funding Agency (EFA) handles complaints about academies and free schools. Part of its role is to make sure that academies comply with the terms of their funding agreement, which is a contract between the academy and the Secretary of State. In general, the EFA will only consider a complaint after it has been through the academy's own procedure. The EFA will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State.
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

The EFA's contact details are: EFA www.education.gov.uk/help/contactus/efa
EFA Complaints, Chief Executive's Office 53-55 Butts Road Earlsdon Park Coventry CV1 3BH.

5.2 Ofsted has specific powers (under sections 11 A-C of the Education Act 2005 (as amended)) to investigate certain complaints about academies, known as qualifying complaints. Generally, the complainant must have followed the academy's own complaints procedure before referring to Ofsted. Ofsted will only consider complaints about whole academy issues and not those regarding individual pupils.

The Ofsted web site address is: www.ofsted.gov.uk

6. Complaints about school governors

6.1 Guidelines

6.1.1 Complaints about individual governors are relatively rare. They generally relate to the conduct of a governor within a school, or whilst on school business; they may include breaches of policy or confidentiality.

6.1.2 Complaints about the conduct of governors outside of school, in a private capacity, do not fall within the remit of this policy.

6.1.3 The same good practice principles, already set out in this guidance, apply to the management of complaints about individual governors. A two-stage procedure is recommended and this should be managed by the Chair of the Governing Body in person, or in the event of the complaint being about the Chair of the Governing Body, by the Vice Chair of the Governing Body.

6.1.4 The Chair of the Governing Body must be impartial, objective and rigorous in their investigation of complaints about a fellow governor and demonstrate this to be the case. It is important that detailed notes are kept and timescales are adhered to.

6.1.5 The Clerk to the Governing Body is responsible for the administrative support and general advice, as with other school complaints.

6.2 Procedure

6.2.1 You should present your complaint either verbally or in writing to the Chair of the Governing Body. If you require assistance the school will facilitate this.

6.2.2 The Chair of the Governing Body will acknowledge receipt of the complaint in writing within three school working days and provide you with a target date for providing a response.

6.2.3 The Chair of the Governing Body should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation. Meeting notes may be taken either by the Clerk to the Complaint Review Panel and/or the Chair of the Governing Body.

6.2.4 The Chair of the Governing Body will then begin their investigation of the key issues. Please note that pupils will not be interviewed by governors.

6.2.5 The Chair of the Governing Body will report his/her findings and any recommendations to you in writing (and verbally if s/he feels this is necessary); this will usually be within ten school working days. The Chair of the Governing Body will give reasons for the decision to uphold, partially uphold or overturn the complaint. If there is good reason for any delay the Chair of the Governing Body will notify you, giving you a revised target date for the completion of their investigation.

6.2.6 If you are not satisfied with the Chair of the Governing Body's response then you should request a review of how the complaint has been managed within ten school working days of receipt of the response.

6.2.7 The Clerk to the Complaint Review Panel will write to you to acknowledge receipt of the written request within five school working days. The acknowledgement will inform you that a Complaint Review Panel will be convened, and will comprise of at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school. The Complaint Review Panel will consider the complaint within thirty school working days of receiving the request, unless there are exceptional circumstances.

6.2.8 Those taking part in panels need to be able to consider the complaint in an objective manner. Prior knowledge of the complaint, or of the general situation leading up to the complaint, need not preclude a person from being an unbiased panel member. The ability to remain objective is a matter for both the individual and the governing body to decide.

6.2.9 A further letter will explain to you the right of all parties to submit documentation relevant to the complaint. Three possible dates should be offered to you, but if these are unsuitable then the review may be conducted in private by the Complaint Review Panel. The Clerk to the Complaint Review Panel should be present to advise on procedure, record the discussion and record the decision; the Clerk to the Complaint Review Panel will also produce the final letter to the complainant.

6.2.10 If the Chair of the Governing Body (at Stage 1) or the review panel (at Stage 2) upholds the complaint, and feels that further action against a governor is required, this will be discussed with the full governing body as a confidential item (Part Two Business) and appropriate sanctions will be implemented. This matter will be subject to the Data Protection Act and will not be reported in the public domain.

7. Unreasonably persistent complainants

7.1 Guidelines

7.1.1 The majority of people with complaints or concerns about schools behave reasonably in pursuing their complaint. This means that they:

- treat all school staff with courtesy and respect;

- respect the needs of pupils and staff within the school;
- do not use violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the school's complaints procedure.

7.1.2 However, a small number of complainants may be deemed “unreasonably persistent complainants”.

7.1.3 Definitions: For the purposes of this guidance an “unreasonably persistent complainant” is defined as follows: an unreasonably persistent complainant is a person who repeatedly complains about issues, either formally or informally, or frequently raises issues that s/he considers to be within the remit of the school and whose behaviour is unreasonable. Such behaviours may be characterised by complainants who display some or all of the following:

- Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted at all stages (e.g. where several responses have been provided).
- Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These should be addressed as separate complaints.
- An insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or an insistence upon pursuing meritorious complaints in an unreasonable manner, for example, complainants who are unwilling to accept documented evidence of action or who are unwilling to accept that the governing body has reached a final decision on a chosen course of action.
- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue the complaint where the concerns identified are not within the remit of the governing body to investigate.
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a ‘trivial’ matter is can be subjective and careful judgments must be used in applying this criterion.
- Have, in the course of addressing a complaint, had an excessive number of contacts with the school, placing unreasonable demands on staff time.
- Make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice. For the purposes of this guidance, “harassment” is defined as follows: harassment is the unreasonable pursuit of the actions listed above in such a way that they:
 - appear to be targeted over a significant period of time on one or more members of school staff;
 - and/or cause ongoing distress to individual member(s) of school staff;
 - and/or have a significant adverse effect on the whole/parts of the school community;
 - and/or are pursued aggressively.

7.1.4 Complainants should be aware that threatening behaviour or the use of physical violence towards staff at any time may cause personal contact with the complainant and/or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place.

7.1.5 Recordings of meetings or telephone conversations should only occur when all parties have agreed to the recording. Circulation of such recordings to third parties without the prior knowledge and consent of

other parties involved constitutes a breach of confidence.

7.2 Procedure

7.2.1 Only the Headteacher, with the agreement of the Chair of the Governing Body, may deem a complainant 'unreasonably persistent'.

7.2.2 The Headteacher will ensure that there is sufficient evidence available to justify the decision.

7.2.3 The Chair of the Governing Body will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

7.2.4 Some or all of the following actions may be taken, depending on the particular circumstances of the case:

- insisting that no member of staff should meet the complainant on his/her own;
- restricting responses to telephone calls and emails from the complainant to specified days and times;
- requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the school address;
- merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
- after consulting with Surrey County Council's Legal Services, banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher.

7.2.5 All correspondence from the complainant will be considered and any new and substantive issues will be addressed and a reply sent to the complainant.

7.2.6 New complaints from people who have been deemed unreasonably persistent complainants in the past will be treated on their merits.

7.2.7 If a complainant is deemed to be unreasonably persistent this will not reflect on the school's treatment of his/her child.

7.2.8 Once a complainant has been determined as persistent and/or unreasonable, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

7.2.9 A panel of three governors should review the decision to categorise a complainant as persistent and/or unreasonable every six months.

7.2.10 The panel on review may either withdraw the categorisation of a person as persistent and/or unreasonable or amend the strategy being applied to that person.

7.2.11 If the panel considers it appropriate to withdraw the status of persistent and/or unreasonable, normal contact with the complainant will be resumed. The complainant will be given notice of this decision as soon as practicable.

7.2.12 Copies of all decisions relating to the categorisation of a person as persistent and/or unreasonable

will be sent to the Clerk to the Governing Body who will hold and maintain a central register of such decisions.

7.2.13 The Headteacher's report to the governing body should outline the number of complainants, if any, who are categorised as persistent and/or unreasonable to enable the governing body to monitor this.

7.2.14 Nothing in this guidance affects an individual's statutory rights.

8. Timescales for making a complaint

8.1.1 It is in the interests of all parties that concerns are raised as soon as they occur. Academies will investigate and review complaints up to six months after the event. Headteachers and governors are better able to undertake a thorough and fair investigation when the evidence trail is still fresh.

8.1.2 If parents wait to make a complaint until after their child has left the school they should be aware that the child's pupil file will have been passed onto the next school. The Headteacher will therefore have a very limited amount of information available on which to pursue his/her investigation.

8.1.3 Complainants are therefore urged to consider how they might best obtain the resolution they desire and if this is indeed possible after considerable time has elapsed.