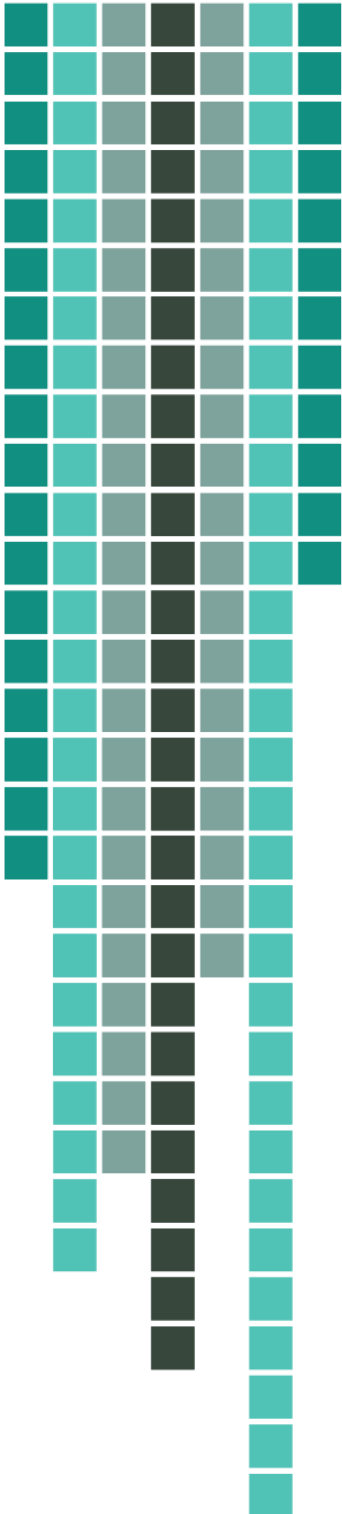




# Eggar's School

## Complaints Policy



Including handling  
unreasonably  
persistent, harassing,  
or abusive  
complainants

Reviewer	Patrick Sullivan
Review date	February 2021
Next review	March 2024

Every complaint is a matter of concern to the school and will be investigated with due urgency and thoroughness. Whenever a complaint is upheld, every effort will be made to rectify the issue and, if necessary, action will be taken to try to prevent a reoccurrence of the problem. The school will not investigate anonymous complaints or allegations, but confidentiality will be respected, and the identity of informants will be protected whenever necessary.

### **Timescales:**

Complaints to the school will normally be acknowledged within two school days of receipt and a response will usually be provided within five school days. When a matter requires fuller investigation than is possible within the normal timescale, the complainant will be informed and an indication given of when a final response can be expected, but normally this will be within 10 working days.

### **Definition:**

Many concerns raised by parents are about their children's education. Such matters will be dealt with promptly and thoroughly. Most parents do not regard such enquiries as 'complaints' in the formal sense. However, if matters raised as concerns are not resolved to the satisfaction of all parties, the dissatisfied party may wish to use the section headed 'Processing of Formal Complaints' below.

### **Concerns expressed by students:**

Students who feel that they have been unfairly treated in school are encouraged to speak to the appropriate manager, usually the Tutor, Progress Leader or Senior Progress Leader. He/she will investigate the complaint and will seek to resolve the matter informally between the student and the member of staff. Where the complaint or subsequent investigation raises issues of disciplinary significance, the matter should be referred immediately to the Head Teacher or the Deputy Head Teacher.

### **Receipt of concerns from parents or others:**

- Telephone concerns should be directed to the Head Teacher's PA who will refer the matter to the appropriate member of staff depending on the nature of the complaint.
- Verbal concerns or allegations made by a visitor to the school will be referred to any available member of the Leadership Team.
- Written concerns received by school staff will typically be dealt with by the member of staff or a Middle Leader. More serious complaints will be referred to senior leaders.

### **Verbal concerns received by Governors:**

In normal circumstances, the governors should advise the complainant to contact the school directly. If the complainant is reluctant to do so, the governor should ascertain the full facts as perceived by the complainant without making any commitment or comment on the issue, except that it will be investigated and that a response will be provided either direct to the complainant or via the governor. The governor should then discuss the matter with the Chair of Governors or the Vice-Chair if the Chair is unavailable. The Chair or Vice-Chair will inform the Head Teacher or Deputy Head Teacher as soon as possible.

### **Written concerns received by Governors:**

It is the responsibility of the receiving governor to ensure that the complaint is acknowledged within five working days of receipt. The letter of complaint should be passed to the Head Teacher and the Chair of Governors should be informed. The matter will be investigated in the usual way and a copy of the response sent to the receiving governor and to the Chair of Governors. As previously, a final response will normally be within 10 working days of receipt of the written concern.

### **Processing of complaints:**

The Complaints procedure is a three-stage process:

Stage 1	Informal Process
Stage 2	Formal Process
Stage 3	Hearing before a Panel

### **Stage 1 – Informal Process:**

Concerns will be shared with the appropriate Middle Manager, usually a Tutor, Curriculum Leader or Progress Leader, by email, letter or in person. The manager will investigate and respond to the complainant within 5 working days and the matter will be satisfactorily resolved.

### **Stage 2 – Formal Process:**

If the complainant is unhappy with the outcome at Stage 1, they should make a formal complaint to the Head Teacher who has final authority in matters of the internal organisation, management and control of the school. The Head Teacher will investigate, or cause investigation to be made, of all complaints (except for cases relating to alleged misconduct of the Head Teacher). Once the investigation is complete the Head Teacher will meet and/or write to the complainant within 10 working days from receipt of the complaint.

- 2.1: In exceptional circumstances, and at the discretion of the Head Teacher, the Head Teacher may invite the complainant to meet with the Head Teacher and the Chair of Governors in a dispute-resolution effort.
- 2.2: In exceptional circumstances, at the discretion of the Head Teacher, the Head Teacher may offer to convene a Governor Behaviour Support Panel. Provision 2.1 is not a mandatory prerequisite to this provision.

### **Stage 3 – Hearing before a Panel:**

If the complainant remains unhappy with the response at Stage 2 then they should appeal to the Chair of the Governing Body for a Panel Hearing.

Representations to the Chair of Governors concerning the treatment of a complaint may be referred to an Appeal Panel of three governors with no prior involvement in the matter. The complainant is entitled to attend the Hearing and be accompanied if they wish. They must request this in writing (by email or letter) at least 24 hours before the Hearing.

The panel's findings and recommendations will be:

- sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- available for inspection on the school premises by prior arrangement with the Head Teacher.

In matters that fall within the scope of county procedures, such as exclusion appeals or staff disciplinary matters, those procedures will take precedence, and are addressed in other policies.

### **Other complaints referred to the Governing Body:**

Complaints about the school's policies will be referred to the Chair of Governors for consideration by the relevant governors' committee.

Complaints about the Head Teacher or any governor should be directed to the Chair of Governors. Allegations of misconduct will be dealt with according to the relevant procedures.

### **General**

A record of all formal complaints will be maintained by the Head Teacher and whether they are resolved at the preliminary stage or proceed to a panel. The Governors Financial & Personnel Committee will review this record annually during the summer term.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

### **Procedure for when a complainant is dissatisfied with the school's response:**

If a complainant has been through all the above stages of the school's complaint procedure, but remains dissatisfied, they can ask the Education Funding Agency to review their complaint by making contact by the following methods:

via the Department for Education's schools' complaints form:

[www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form](http://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form)

- Writing to: Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

A copy of the Education Funding Agency's Procedure for dealing with complaints about Academies is given in Appendix A.

### **Handling Unreasonably Persistent, Harassing or Abusive Complainants**

The Head Teacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this Policy is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

### **What do we mean by 'an unreasonably persistent complainant'?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

actions which are:

- out of proportion to the nature of the complaint, or
  - persistent – even when the complaints procedure has been exhausted, or
  - personally harassing, or
  - unjustifiably repetitious
- a** an insistence on:
- pursuing unjustified complaints and/or
  - unrealistic outcomes to justified complaints.
- c** an insistence on:
- pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language), or
- d** making complaints in public or in a public forum such as social media; or
- e** refusing to attend appointments to discuss the complaint.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance).
- use obscenities, racist or homophobic language.
- contain personally offensive remarks about members of our staff.
- are repeatedly submitted with only minor differences after we have fully addressed the complaint.

### **What is 'harassment'?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution. Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause.
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others.
- it has a significant and disproportionate adverse effect on the school community.

### **What does the school expect of any person wishing to raise a concern?**

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect.

- respect the needs of students and staff within the school.
- avoid the use of violence, or threats of violence, towards people or property.
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint.
- to follow the school's complaints procedure.

### **School responses to unreasonably persistent complaints or harassment**

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable and request a changed approach.
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy.
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken.
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

### **Physical or verbal aggression**

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect.
- request an Anti-Social Behaviour Order (ASBO).
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

## **Appendix A: Education Funding Agency - Procedure for dealing with complaints about academies.**

### **Introduction**

The Education Funding Agency (EFA) handles complaints about open academies and free schools. Part of our role is to make sure academies comply with the terms of their funding agreement which is a contract between the academy and the Secretary of State.

### **Responsibilities of academies**

Academies must make available on request a procedure for dealing with complaints from parents of students. We recommend that academies publish this online. For complaints from parents of students, this procedure must comply with The Education (Independent School Standards) Regulations 2010 and offer:

- an opportunity to resolve the complaint with the academy 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, comprising of three governors with no prior involvement in the matter/s detailed in the complaint. Parents must be allowed to attend the panel and be accompanied if they wish.
- Academies may choose to handle complaints from those who are not parents of students at the academy differently. In these cases, we recommend that that the academy should clearly explain to the complainant how their complaint will be handled.

### **What the EFA will investigate**

We 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 or an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

### **What the EFA will not investigate**

**We will not investigate** complaints that are, for example:

- about the quality of education or leadership, or concerns affecting the school. These should be raised with Ofsted.
- about discrimination. These should be raised with the Equality Advisory Support Service.
- about data protection. These should be raised with the Information Commissioner's Office.
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation and relevant awarding body.
- about criminal behaviour. These should be raised with the police.
- being, or have been, considered by a court or similar body.
- about employment matters. These should be raised through the academy's grievance procedure or taken to an Employment Tribunal.
- about safeguarding or child protection matters. These should be taken up with the academy's Local Safeguarding Children's Board.
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST).

We will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance).
- use obscenities, racist or homophobic language.
- contain personally offensive remarks about members of our staff.
- are repeatedly submitted with only minor differences after we have fully addressed the complaint.

### **Whistleblowing**

We take seriously all whistleblowing concerns raised. Please consider submitting your complaint confidentially rather than anonymously. Submitting a complaint anonymously will make it difficult for us to conduct a full and thorough investigation. We will respect your confidentiality when investigating whistleblowing complaints. (see paragraph below).

If we can only proceed with an investigation by disclosing something to the academy that identifies you, we will ask for your consent first. If you do not give us your consent, it may be that we will not be able to take your case any further. If the allegation is sufficiently serious to require an investigation, we may reveal your identity without your consent.

### **Outcomes from investigations**

We cannot change any decision an academy has made about your complaint. Our role is to look at whether the academy considered your complaint properly, by following a procedure that is in line with legal requirements.

If we uphold a complaint, then we may do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage.
- ask the academy to change its complaints procedure so that it complies with legal requirements.

### **Complaining to the EFA about an academy**

We will deal with complaints about academies in accordance with the following principles:

- academies should be receptive to genuine expressions of dissatisfaction.
- complaints are dealt with promptly, fairly and proportionately; they are also resolved at the most local level possible.
- in dealing with complaints the EFA will take account of its public sector equality duty (under the Equalities Act 2010)

Where possible, please put your complaint in writing. If you have difficulty in providing details in writing, we will discuss alternative ways of receiving the information with you.

Complaints about academies should be sent:

- via the Department for Education's [schools complaints form](#)
- by post to Department for Education, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ

### **Receiving the complaint**

Your complaint will be acknowledged in writing within 5 working days. Your complaint will be allocated to a named case officer who will write to you and consider your complaint in line with this procedure.

### **Assessing the complaint**

Within 10 working days of acknowledging your complaint we will either:

- let you know you that your complaint will not be investigated, explain the reasons why and where possible give you helpful information about what to do next let you know that we will investigate your complaint.
- ask you for further information to enable us to make an assessment.

If we are going to investigate your complaint, before we begin, we will ask you to:

- agree a summary of your complaint prepared by us.
- give us permission to disclose your details to the academy you are complaining about.

- give us permission to ask the academy whether its complaints procedure has been followed through all its stages.

### **Investigation**

Once you send us the information, we have asked for we will look at it and, if appropriate, amend the summary of your complaint before sending it to the academy. The summary will be sent to the academy within 5 working days of receiving the additional information you have supplied.

We will then ask the academy to give us:

- an explanation of how each stage of its complaint's procedure has been followed.
- a response to the summary of the complaint together with relevant information

We will ask the academy to respond within 10 working days and, if necessary, to explain why this information should not be shared with you. For example, some of the information provided might include data belonging to individuals not involved in the complaint.

We will forward the academy's response to you within 5 working days of receipt. You will be asked to confirm within 5 working days whether you:

- are satisfied with the response, in which case we will close the case.
- wish to pursue the matter further.

If you do not think the response fully addresses your complaint, we will make a provisional decision within 10 working days based on the evidence gathered and send this to both you and the academy.

Both you and the academy will be asked to comment on the provisional findings within 10 working days.

### **Adjudication**

We will look at any responses from you and the academy and any new evidence on whether the academy was in breach of its funding agreement. We will then confirm our findings and decision in writing. This will be done within 5 working days of receiving the last response, or 15 working days from sending out the provisional findings, whichever is the later.

Once we inform you and the academy of our decision, we will close the complaint.

### **Actions**

If we uphold your complaint, we will do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage.
- ask the academy to change its complaints procedure so that it complies with legal requirements.

If the academy does not comply with the actions, we may, if appropriate, seek to enforce the decision on behalf of the Secretary of State through the courts under the terms of the funding agreement.

### **What to do if you are not satisfied**

We take complaints about the service provided by the EFA seriously and take every opportunity to learn how to improve our processes and our service. If you are concerned about the way the EFA handled your complaint you can let us know via:

The EFA's Contact Us form: <https://www.education.gov.uk/help/contactus/efa>

Or by writing to:

ESFA Complaints

Chief Executive's Office

53-55 Butts Road Earlsdon Park Coventry

CV1 3BH

Or you can email: [complaints.esfa@education.gsi.gov.uk](mailto:complaints.esfa@education.gsi.gov.uk)