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COMPLAINTS POLICY

2024 - 2027

Reviewer:	Head Teacher
Review date:	21 March 2024
Committee:	FTB
Next review:	March 2027

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 Eggar's School 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'*. 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 complaint's procedure. Eggar's School 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 Head Teacher's PA will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher's PA 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, Eggar's School will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant if they have appropriate consent to do so. Concerns should be raised with the appropriate member of staff, usually the tutor or the Progress Leader, depending on the nature of the complaint. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Trustees 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 Head Teacher) should be made in the first instance, to the Head Teacher via the school office. Please mark them as Private and Confidential.
- Complaints that involve or are about the Head Teacher should be addressed to Mrs L Campbell, Chair of Trustees, via the school office. Please mark them as Private and Confidential.
- Complaints about the Chair of Trustees, any individual Trustees or the whole Trustee body should be addressed to Mrs J Woolman, Clerk to the Trustee Body via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is 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.

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 normally investigate anonymous complaints. However, the Head Teacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

TIMESCALES

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.

SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about any provision of community facilities or services by Eggar's School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
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 Hampshire County Council .
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). By phone at 01962 876364 or visit their website at: https://www.hants.gov.uk/socialcareandhealth/childrenandfamilies/safeguardingchildren/allegations
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. https://www.eggars.net/statdocs</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . 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.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

may use school premises or facilities	
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, 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 Eggar's School 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, Eggar's School 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 situation 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.

COMPLAINT STAGES

STAGE 1 - INFORMAL STAGE

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.

If the complaint is not dealt with satisfactorily a formal complaint will be made as per the following two steps.

STAGE 2

- Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.
- The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) normally *within 2* school days.
- Within this response, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Head Teacher 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 Head Teacher (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 Head Teacher will provide a formal written response **within 5 school days** of the date of receipt of the complaint. Where 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.
- 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 **Eggar's School** will take to resolve the complaint.
- The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- If the complaint is about the Head Teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2.
- Complaints about the Head Teacher or member of the Trustee body must be made to the Clerk, via the school office.

If the complaint is:

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

Stage 2 will be considered by an independent investigator appointed by the Trustee body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

STAGE 3

- If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the Trustee body's complaints committee, which will be formed of at least 3 members, who have had no prior connection with the complaint and at least one of these will be an independent panel member. This is the final stage of the complaint's procedure.
- A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 2 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, indicating what action is being taken and the likely timescale to convene the Trustees' Complaints Committee, which should be no more than 30 school days.
- Requests received outside of this time frame will only be considered if exceptional circumstances apply. 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 based on written submissions from both parties.
- The complaints committee will consist of at least at least 3 members, who have had no prior connection with the complaint and at least one of these will be an independent panel member. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.
- 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.
- 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 generally be handled under this complaint's 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.
- The Clerk will request all paperwork for the Stage 3 hearing to be received from all parties at least 10 school days before the hearing.
- The Clerk will send out all paperwork to all parties at least 5 school days before the hearing.
- 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 2 of the procedure.
- The meeting will be held in private. Electronic recordings of meetings or conversations are not normally 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.

After the Hearing:

- The Chair of Trustees will provide the complainant and Eggar's School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days from the date of the Hearing.
- 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 Eggar's School.

If the complaint is:

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

Stage 3 will be heard by at least 3 members, who have had no prior connection with the complaint and at least one of these will be an independent panel member.

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 Eggar's School 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 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Eggar's School. They will consider whether Eggar's School 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 in writing to:

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

COMPLAINT FORM

Please complete and return to _____ (either Head Teacher / Clerk / complaints co-ordinator / designated Trustees – school to delete as appropriate) who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if relevant):
Your relationship to the student (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.
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 whom:
Complaint referred to:
Date:

ROLES & 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 Head Teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems. The Head Teacher 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 COORDINATOR *(this could be the Head Teacher/designated complaints Trustees)*

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Head Teacher, Chair of Trustees, Clerk and LAs (if appropriate) to ensure the smooth running of the complaint's 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 TRUSTEE BODY

The Clerk is the contact point for the complainant and the committee and 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).

- 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.
- 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.
- record the proceedings.
- circulate the minutes of the meeting.
- 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 Trustees 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 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 Trustees; and
- a hearing with a panel set up by the academy, comprising of three Trustees 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 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

HANDLING UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

The Head Teacher and Trustee 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.