

## **Complaints Policy**

### **Introduction**

South Staffordshire Learning Partnership views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person (complainant) that has made the complaint.

The purpose of this policy is to provide a robust process for dealing with complaints relating to the Partnership or its employees including the provision of facilities or services.

“Section 29 of the Education Act 2002 states that schools must have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaints procedure to be publicised”.

We have produced this guidance to:

- share and encourage best practice
- help the schools avoid common pitfalls

This complaints policy is based upon best practice advice from the DfE.

*[www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019](http://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019) the Department for Education have produced the following toolkit –*

The following policy sets out the procedures that the Partnership schools follows in the event of any complaint or concern.

This guidance will inform you about raising concerns and how to make complaints to the South Staffordshire Learning Partnership.

***What is a complaint?*** ‘A complaint is a verbal or written expression of dissatisfaction’.

***What is not a complaint?*** Certain issues are not regarded as complaints but as initial enquiries or concerns. For example, an initial report of something not working, or a request for advice and information relating to an activity or action taken by the school are not complaints.

This policy applies to general complaints made by the parents, carers, the community, visitors, volunteers and students.

This policy will not be used for:

- Complaints relating to a statutory duty or power.
- Complaints from staff, the school's grievance policy will be used in this instance.

### **The Difference between a concern and a complaint**

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

A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

### **Our policy is:**

#### **Aims and Objectives**

- To provide a fair complaints policy which is clear and easy to use for any person wishing to make a complaint; whether it be from parents and carers of children at the schools to members of the general public who wish to raise concerns about the provision of facilities or services that the school provides.
- To publicise the existence of our complaints policy so that people know how to contact us to make a complaint.
- To make sure all complaints are investigated fairly and in a timely way.
- To make sure all complainants are treated respectfully during the course of the complaint.
- To achieve informal resolution wherever possible.
- To resolve general complaints as efficiently and effectively as possible.
- To provide a transparent process for dealing with complaints, both formally and informally.
- We will ensure all stages of the procedure will be investigatory rather than adversarial.
- We will ensure every complaint is heard and handled appropriately.
- We will deal with complaints with sensitivity, impartiality and confidentiality.
- To gather information which helps us to improve what we do.

The South Staffordshire Learning Partnership will treat all complaints confidentially and fairly and you will not be treated negatively for making a complaint. We aim to be open and honest when dealing with any complaint. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We will give sufficient opportunity for any complaint to be fully discussed and resolved.

## **The Complaints Process/Stages:**

### ***Expressing Concerns***

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the class/subject teacher or member of staff responsible for the area you are concerned about, in order for reassurances to be sought. Our complaints policy is not intended to replace the normal informal discussions that take place between parents/carers and teaching staff.

**“In our experience, most concerns can be dealt with positively in this way”**

If at this stage your concern is more serious you may prefer to make an appointment to discuss it with the member of staff concerned, or a member of the school's leadership team.

If you are concerned about anything to do with your child's education you should, in the first instance, discuss the matter with your child's teacher. The teacher will acknowledge your concern within 2 working days and will respond to the complaint within 5 working days (if this complaint is of a particularly complex issue, more time may be needed to investigate, but you will be kept informed throughout the process). There are various ways to communicate directly with the staff at all partnership schools. If the teacher or staff member fails to respond please speak to the school receptionist who will direct you to their line manager.

The school's website will advise you who to contact in particular situations, although the individual school's receptionist will also be able to help with this information. All staff will make a note of any complaint for any future reference. Where the first approach is to a governor or a senior member of the school, the first step will be to refer the complainant to the appropriate person and advise them of the procedure, this is to maintain leadership and governor impartiality at the later stages.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the SSLP complaints co-ordinator will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, the complaints co-ordinator 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 to us.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The South Staffordshire Learning Partnership 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 of a complainant, as long as they have appropriate consent to do so.

If the issue remains unresolved, the next step is to make a formal complaint.

Once the complaint is acknowledged you will be sent the complaints policy and form to fill in for the process.

<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. (Please see individual schools website)</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

- National Curriculum - content

Please contact the Department for Education at:  
[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

### **Resolving complaints:**

At each stage in the procedure, the South Staffordshire Learning Partnership 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 explanation with no apology.
- 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.

### **Formal Complaints: (Stage 1)**

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution.

In most cases it will be your choice as to whether to mount a formal complaint, but SSLP reserves the right to utilise the formal complaint policy where the Complaints Co-Ordinator feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, the complaints procedure should be followed.

The complaints Co-ordinator will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the Co-ordinator will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

The complaints co-ordinator will consider whether a face-to-face meeting is the most appropriate way of doing this. At this stage the Complaints co-ordinator will inform the headteacher that a complaint has

been made about their school, to allow information to be obtained and full co-operation to be given in investigating the complaint.

During the investigation, the complaints co-ordinator (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 complaints co-ordinator will provide a formal written response within 15 school days of the date of receipt of the complaint.

The individual schools headteacher will be made aware of the complaint and will assist the complaints co-ordinator with the investigation (unless the complaint concerns the headteacher), this is to ensure the school is aware of all issues and can take appropriate actions in future.

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 the school will take to resolve the complaint.

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

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

Complaints about the headteacher or member of the governing board must be made to the co-ordinator If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the governing board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

All complaints regarding Safeguarding are dealt with by the school's senior staff member responsible for Child Protection issues and separate procedures are in place for this.

The lead staff members for this type of complaint are:

Bilbrook Middle School – T Wright & S Lee  
Codsall Community High School – N Gwinnett & D Slater

Lane Green First School – M Turner & S Lee  
Perton Middle School – C Shelley & T Spittle  
St Chads CofE First School – S Yeomans & A Roden

It is usually unhelpful if a complaint is broadcast to the school community or via social media. Therefore, the school will treat the matter with a high degree of confidentiality and ask the complainant to do likewise.

Reasonable support and adjustment will be made to support complainants who have a disability; this could include accepting a complaint verbally instead of writing or physical adjustments to accommodate an individual at school.

Reasonable support and adjustment will be made to support complainants where English may not be their first language, this could include support from a translator.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Stage 2 - Complaint to the Complaints Co-ordinator, Executive Headteacher/Headteacher:**

The complaint is likely to stop at this stage if the concern has been explained or a shared understanding has been reached, however; if you are dissatisfied with the response you receive from Stage 1 complaint you should go to the next step of the complaint's procedure.

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2.

A request to escalate to Stage 2 must be made to the complaints Co-ordinator, within 10 school days of receipt of the Stage 1 response.

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

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

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

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

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 the complainant.

If your complaint has not been solved through informal discussion, or it is considered to be of a sufficiently serious nature, then it will be investigated through the formal stage of the policy i.e. Stage 2 when the complaint is first received.

This will involve either;

a) Investigation by the Co-ordinator, Executive Headteacher, the Business Director of the Partnership or Head of School (where the Executive Headteacher or Head of School is not part of the complaint). The Executive Headteacher, Business Director or Head of School may delegate the investigation to another member of staff but not the decision on the action being taken.

Or

b) Investigation by the Governors (where the Executive Headteacher or Head of School is part or subject of the complaint)

If the complaint is about the Executive Headteacher or Head of School it will be considered by the Chair of Governors ("the Chair") at this stage. The Chair will seek to resolve the matter through discussion with the Executive Headteacher / Head of School and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.

Where the complaint is about the Chair of Governors then you should submit your complaint to the Clerk of Governors.

If the complaint is about the Governing Board, please refer your complaint to the Secretary of State. Contact details can be found at the end of this policy.

When we receive your complaint, a letter of acknowledgment will be sent to you within 5 school days. We will arrange to meet with you to explore your complaint and what can be done to resolve your issues.

If SSLP are unable to resolve your complaint in an initial meeting with you then SSLP may carry out an investigation of your complaint.

On completion of this Stage 2 investigation, when all relevant persons have been given the opportunity to give their response, we will send you a formal written outcome. SSLP will endeavour to respond, in writing to a Stage 2 complaint within four to six weeks from the acknowledgment of the complaint.

Where concerns cannot be resolved by the Executive Headteacher or Head of School (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Governing Board's Complaints Committee (Stage 3). The attached form Appendix 3 may be used for this purpose if you wish, and it would also be useful if you were able to state what actions you feel might resolve the problem.

### **Stage 3 - Governing Board Complaints Committee:**

The next step is to raise your complaint with the Governing Board, the Governing Board work closely with the Executive Headteacher to promote a high standard of educational achievement, to take responsibility for the conduct at the school and to make sure the national curriculum is taught.

You should write to the Chair of the Governing Board and send your letter to the Chair of the Governing Board within 4 school weeks of the outcome from your stage 2 complaint. Give clear details of your complaint in the letter and attach any relevant papers. The Governing Board will acknowledge your



letter within 10 working days (excluding holidays and weekends) and tell you what arrangements have been made for your complaint to be considered. They will provide the opportunity for you to discuss your letter in more detail with the Governors dealing with your complaint, when you may take a friend or advisor with you. The Governing Board will investigate your complaint within 20 school days and will write to you within 5 school days on completion of the investigation to confirm that the matter has been investigated thoroughly and that the appropriate action has been taken. A letter will be sent to the Directorate of Children's Services to inform them of action taken.

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

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

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.

This is the final stage of the complaints procedure.

If you are not satisfied with the response after stage 3, then the complaint should be raised in writing to the Clerk of the Governing Board, asking for it to be put to the appeals panel, which is made up of 3 Governors. The complaint/appeal should be raised in writing to the Clerk to the Governing Board within 10 days of the outcome of stage 3, giving clear details of the complaint and the dissatisfaction regarding the outcome at the earlier stages. The Clerk will acknowledge the complaint within 10 school days and make arrangements to hold the appeal hearing at the earliest opportunity. Once arrangements have been made for the hearing all relevant papers and documents to be relied on at the hearing will be sent to all parties, at least 5 days before the hearing. This hearing is independent and impartial, governors who have had any previous involvement in the complaint or circumstances surrounding it should not be involved. The aim of this hearing is to resolve the complaint and achieve reconciliation between the school and the complainant. It does have to be acknowledged that the complainant may not be satisfied with the outcome and it may only be possible to establish the facts and make recommendations. The Panel will therefore meet at a time and a venue convenient to all parties. If you decide not to attend the complaints meeting, it may be held in your absence.

Membership of the Panel will do their best to ensure that there is a cross-section of the different categories of governor to ensure impartiality. The Executive headteacher / Head of School and Chair of governors will not be members of this panel, which will elect its own chair, although one or both may be present at the meeting held to consider the complaint. You have the right to request an independent

panel, if you believe there is likely to be bias in the proceedings. Your request will be considered and the Governors will make the final decision as to the membership of the panel.

The Panel may request the services of a Clerk to minute the meeting.

### **Governing Board Complaints Committee (the Panel) – Procedure:**

The Panel will want to ensure that the nature of the complaint is understood and, where possible, will seek to establish from you what actions you feel might resolve the problem. In helping to reach a conclusion, the Panel will seek to identify possible sources of information and advice to help collate the necessary evidence.

As indicated above, you will be given the opportunity to attend the complaints meeting and will have the right to bring a friend/family member or other supporter. In normal circumstances the Executive Headteacher/Head of School and/or Chair of governors may also attend the meeting, but will not take any part in the decision-making process.

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 one of the Partnership schools 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.

The Complaints Panel Can:

- Dismiss the complaint whole or part.
- Uphold the complaint in whole or part.
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school systems or procedures to ensure that problems of a similar nature do not occur.

The Governor hearing is the last school based stage and is not convened merely to rubber stamp previous decisions.

### **Monitoring and Recording of Complaints:**

All complaints that are received by the complaints co-ordinator will be given a unique reference number, and recorded on the complaints log. SSLP will ensure that the relevant letters are sent, deadlines are met and accurately record the details of each complaint.

### **Time line:**

#### ***Initial Concern to Teacher/Staff Member***

Will acknowledge your concern within 2 days and will respond in detail within 5 school days.

**Stage 1** – We will acknowledge the complaint within 5 school days, and respond to your complaint within 15 school days.

(Where the first approach is to a governor or a senior member of the school, the first step will be to refer the complainant to the appropriate person and advise them of the procedure, this is to maintain leadership and governor impartiality at the later stages)

The individual Headteacher at each school will be made aware of the complaint received.

**Stage 2** – We will acknowledge your complaint within 5 school days, and arrange a meeting with the appropriate headteacher or person within 15 school days. After the meeting has been held, we will endeavour to respond in writing within four to six school/working weeks from the acknowledgment of the stage 2 complaint, if this complaint is of a particularly complex issue, more time may be needed to investigate, but you will be kept informed throughout the process.

**Stage 3** – You must make your complaint to governors within 4 school weeks of receiving the outcome of stage 2, this will then be acknowledged by the clerk to governors within 10 school days to confirm the appeal process (see process above).

The panel will endeavour to investigate the complaint within 20 school days and will aim to provide the complainant with an update and revised response date 5 school days after this investigation, at all times through the process if the above times are not met, this can be for things like staff absence, student absence or a host of other outcomes that may delay the process.

To appeal the decision made at Stage 3 the complainant must write to the clerk of the governing board within 10 school days from the stage 3 response. The clerk will respond in 10 school days and arrange an appeal panel at the earliest convenience.

Please be aware that SSLP reserves the right not to review a complaint made by a complainant that has not been brought to the attention of the SSLP within 8 weeks of the alleged incident occurring. However, SSLP will consider any complaint outside of that timescale in certain circumstances.

### **Persistent or Vexatious Complaints:**

SSLP is committed to dealing with all complaints fairly and impartially, and to provide a high quality of service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

SSLP defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

The inclusion of this section within the procedure is to ensure that those complainants who we deem to be 'persistent or vexatious complainants' are still dealt with fairly, honestly and properly, whilst also ensuring that the service being provided or school staff are not adversely affected.

A complaint may be regarded as unreasonable when the person making the complaint: -

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;

- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with or has been dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- The complaint(s) meet the legal definition of harassment under one of the following acts: The Employment Rights Act 1996, The Health & Safety at Work Act 1974, The Equality Act 2010, Human Rights Act 1998, Protection from Harassment Act 1997, Criminal Justice & Public Order Act 1994, Malicious Communications Act 1998.

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious.
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

We will give the complainant the opportunity to change their behaviours within a reasonable timescale before taking any further action.

Whenever possible, the Co-ordinator, Executive headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact SSLP causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from SSLP sites.

Correspondence received from any complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

### **Managing serial and persistent complaints**

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

**If the complainant contacts us again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and you we may choose not to respond.**

However, we will not mark a complaint as 'serial' before the complainant has completed the procedure, unless your published serial complaint criteria apply.

A complainant will not be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Please see the SSLP policy for managing serial and unreasonable complaints (Appendix 2).

For serial and persistent complainers, the schools will advise all staff members not to respond to emails from that complainer, one email address will be made available for the complainant to correspond with the schools.

This point of contact may decide to stop responding to some of the complaints as below.

### **When to stop responding:**

The decision to stop responding will never be taken lightly. We will base this decision on the following:

- We have taken every reasonable step to address the complainant's concerns.
- the complainant has been given a clear statement of your position and their options.
- the complainant contacts you repeatedly, making substantially the same points each time.

The case to stop responding is stronger if you agree with one or more of these statements:

- their letters, emails, or telephone calls are often or always abusive or aggressive.
- they make insulting personal comments about or threats towards staff.

- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience.

### **Communication strategy for persistent correspondents:**

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the Partnership will implement a tailored communication strategy. For example, we will:

- restrict the individual to a single point of contact via an email address.
- limit the number of times they can make contact, such as a fixed number of contacts per term.

We will provide parents and carers with the information they are entitled to under The Education (Student Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence.

If an individual persists to the point that may constitute harassment, we will seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools direct.

Once you've decided that it's appropriate to stop responding, we will need to inform the individual.

### **Barring from school premises:**

#### ***Arriving on site and abusive to the receptionist/member of staff on duty***

Although fulfilling a public function, schools are private places. The public has no automatic right of entry.

Schools are private property. People do not have an automatic right to enter. Parents have an 'implied licence' to come on to school premises at certain times, for instance:

- for appointments.
- to attend a school event.
- to drop off or pick up younger children.

Schools should set out their rules for this and tell parents what they are. Anyone who breaks those rules would be trespassing.

Trespassing is a civil offence. This means that the partnership schools can ask someone to leave and take civil action in the courts if someone trespasses regularly. The school will tell regular trespassers to tell them that they are potentially committing an offence.

The partnership schools can bar someone from the premises if they feel that their aggressive, abusive or insulting behaviour or language is a risk to staff or students. It is enough for a member of staff or a student to feel threatened.

Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without legal permission to cause or permit a nuisance or disturbance.

SSLP the Headteachers and governing bodies will therefore act to ensure they remain a safe place for students, staff and other members of their community.

If an individual's behaviour is a cause for concern, they can be asked to leave school premises. In some cases, individuals can be barred from entering school premises.

The school will tell an individual that they've been barred or they intend to bar them, in writing. Letters will be signed by the headteacher of the individual school, though in some cases the local authority may wish to write instead.

The individual will be allowed to present their side. SSLP will either:

- bar them temporarily, until the individual has had the opportunity to formally present their side
- tell them they intend to bar them and invite them to present their side by a set deadline

The schools through the headteacher will always give the individual the opportunity to formally express their views on a decision to bar.

The headteacher's decision to bar will then be reviewed by either:

- the chair of governors
- The Executive headteacher
- a committee of governors

They will take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the bar will be in place
- when the decision will be reviewed

Once the school's appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the school's decision. Individuals wishing to exercise this option should seek independent legal advice.

The Department for Education (DfE) does not get involved in individual cases.

To have committed a criminal offence, an abusive individual must have been barred from the premises or have exceeded their 'implied licence', then also have caused a nuisance or disturbance.

If a school has reasonable grounds to suspect that someone has committed an offence, then they can be removed from the school by a police officer or a person authorised by the appropriate authority such as the:

- governing board
- local authority

### **The Role of Staffordshire County Council (Local Authority):**

The Local Authority does not have a statutory duty to consider school complaints and you do not have a right of appeal to the Local Authority should you disagree with a decision of the governing board.

You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the governing board followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact.

- It cannot reverse a decision of the governing board.
- If you wish to raise the matter with Staffordshire County Council please write to:

Commissioner for Learning and Skills  
Wedgwood Building  
Tipping Street  
Stafford ST16 2DH

In your letter please explain:

- what your complaint to the governing board was;
- what response they have made to it;
- why you think that the governing board has not followed a proper procedure in considering your complaint, and/or
- why you think that their consideration of it was unreasonable.

You will receive a written response to inform you of any further enquiries made into your complaint from the council.

### **The Role of the Secretary of State for Education (the Department for Education):**

If the complaint is about the Governing Board or; if you have followed our complaints procedure and you still remain dissatisfied and feel that the Partnership has not followed the appropriate procedure, any relevant policies, or has failed to discharge a statutory duty, you may wish to refer your complaint to the School's Complaints Unit (SCU) within the Department for Education at the address below: -.

The Schools Complaints Unit  
Department for Education  
2nd Floor Piccadilly Gate  
Manchester  
M1 2WD

Please note that the SCU will not re-investigate the substance of the complaint as this remains the responsibility of the school, but if legislative or policy breaches are found, SCU will report them to the school and, if necessary, require the school to take remedial action.

### **Monitoring and Review:**

The partnership will log all formal complaints received by the schools and will record how they are resolved.

Governors will examine the complaints log on a regular basis and will consider the effectiveness of the complaints policy, the handling of complaints received and improvements that are required by the policy or other school procedures.

The complaints policy will be reviewed bi-annually or when necessary legal changes are made which affect this policy.

Governors take into account any local or national decisions which may affect the complaints process and may make any modifications necessary to the policy. This policy is made available to all parents and carers so that they can be properly informed about the complaints process.



The school will ensure that it will be cautious when providing specific details about the complaint, this is to ensure no prejudice against the ability of any employee complained about and to help them continue in their post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment or data protection rights.

## **Appendix 1 - Roles and Responsibilities:**

### ***The 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
- By being open to the outcomes of the investigation
- By understanding there may be other points of view in any complaint
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### ***Complaints Co-Ordinator / Investigator:***

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include: -

- 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.
- consideration of records and other relevant information.
- interviewing staff and children/young people and other people relevant to the complaint.
- analysing information.
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.
- identifying solutions and recommending courses of action to resolve problems.

### ***The investigator should:***

- conduct interviews with an open mind and be prepared to persist in the questioning.
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond.
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- ensure that the complainant is fully updated at each stage of the procedure.
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaint's procedure.

- 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.
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
- liaise with staff members, Executive Headteacher, Head of School, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure.
- ensure that the complainant is fully updated at each stage of the procedure.
- being mindful of the timescales to respond; and responding to the complainant in plain and clear language. The person investigating the complaint should make sure that they, keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### ***Clerk to the Governing Board:***

- 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 governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

### ***The Panel Chair***

The Panel Chair has a key role in ensuring that:

- the meeting is minuted.
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption.
- the issues are addressed.
- key findings of fact are made.

- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person.
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy.
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial.
- the panel is open-minded and acts independently.
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- both the complainant and the school are given the opportunity to state their case and seek clarity.
- written material is seen by everyone in attendance – 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 hearing.
- liaise with the Clerk and complaints co-ordinator.

### ***Panel Member***

Panellists will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so, no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. 18 The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

## **Helpful Contact Details:**

Complaints Co-Ordinator – Mr Neil Eveson SSLP – nev@sslp.uk

### ***Child Protection Senior Officers –***

Bilbrook Middle School – T Wright & S Lee  
Codsall Community High School – N Gwinnett & D Slater  
Lane Green First School – M Turner & S Lee  
Perton Middle School – C Shelley & T Spittle  
St Chads CofE First School – S Yeoman & A Roden

### ***Headteachers***

Bilbrook CofE Middle School – Mr T Wright  
Codsall Community High School – Mr S Maxfield  
Lane Green First School – Mr T Wright  
Perton Middle School – Mrs M Burrington  
St Chads CofE First School – Mrs S Yeomans

### ***Executive Headteacher***

Mr A Harding

### ***The Chair of Governors***

Mrs S Shulman

### ***The Secretary of State***

The Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT

### ***School Contact Phone Number***

Bilbrook CofE Middle School – 01902 840910  
Codsall Community High School – 01902 907560  
Lane Green First School – 01902 297920  
Perton Middle School – 01902 758244  
St Chads CofE First School – 01902 700372

**‘In the event of a complaint being made, every effort will be made to achieve a satisfactory outcome for all parties concerned, this policy is designed to facilitate resolution of concerns with the minimum of conflict, this policy has been implemented to carry the confidence of all interested parties so that its use secures “closure” of any complaint or concern’**

## **Appendix 2:**

### **SSLP policy for managing serial and unreasonable complaints**

The South Staffordshire Learning Partnership is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.

We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The South Staffordshire Learning Partnership defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaint's investigation process.
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- introduces trivial or irrelevant information which they expect to be taken into account and commented on.
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- changes the basis of the complaint as the investigation proceeds.
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- uses threats to intimidate.
- uses abusive, offensive or discriminatory language or violence.
- knowingly provides falsified information.
- publishes unacceptable information on social media or other public forums.

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

Whenever possible, the headteacher, Executive headteacher, Complaints Co-ordinator or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact any of our schools or individual staff members, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from all South Staffordshire Learning Partnership Schools.

## Appendix 3



### Complaint Form

Please complete and return to .....(\*\*name of member of staff\*\*) who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-Mail address:

Please give details of your complaint.



**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

