

General Complaints Policy including Unreasonable, Habitual & Vexatious Complaints

Introduction

The Governors of St Bernard's Catholic Grammar School are committed to ensuring that the highest standards are maintained at the school both in the provision of education to students and in every other aspect of the running of the school. A complaint procedure is an important part of the management of a well-run school allowing parents the opportunity to voice any concerns they may have through appropriate channels, as well as members of the general public. This procedure has been adopted by the Governing Body to ensure a timely, systematic and fair approach to the resolution of such concerns. The policy is available on request and can be found on the school's website.

This procedure is designed to allow parents and carers of registered pupils at the school, or members of the public a means of raising concern or making a complaint which they can be confident will be addressed properly. A concern may be recognised 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'.

In general, any written concern or complaint should be addressed to the Headteacher although it is expected that attempts will be made to resolve difficulties informally with the class teacher/form tutor/Head of Year before being referred to the Headteacher. Taking informal concerns seriously at the earliest stage reduces the number that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. The matter is referred to the formal stage only when the informal stage of the procedure has been exhausted and has failed to provide a successful resolution. If any substantial complaint is made to a member of staff it should be referred to her or his line manager or Headteacher, as appropriate, if it cannot be resolved immediately, by the member of staff, to the satisfaction of the parent.

A complaint may result in disciplinary action by the school against a member of staff, which would be confidential between that member of staff and the school, but otherwise parents should be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

This policy does not cover all complaints, as some are dealt with under separate procedures. Those not covered are outlined below; the relevant procedure relating to the complaint is stated.

- Child protection and safeguarding: complaints should be raised with the Local Authority.
- SEN (special educational needs) complaints: addressed under the SEN procedures published on the school's website.
- Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010 – the general complaints

procedure applies but the complainant may have a further right of appeal to the Special Educational Needs and Disability First-tier Tribunal).

- Curriculum complaints: addressed in the Curriculum Complaints Policy.
- Staff complaints: addressed in the Grievance Policy Procedure.
- Admission complaints: addressed in the Admissions Policy.
- Exclusion appeal: addressed in the Exclusions Policy.
- Whistle blowing: addressed in the Whistle Blowing Policy.
- Complaints about staff – investigated under the school's internal staff disciplinary policy.
- Complaints about the headteacher – governing board will investigate.
- Complaints about collective worship – these should be addressed to the LA (Local Authority) or to the local SACRE (Standing Advisory Council for Religious Education).
- Complaints about the national curriculum – these should be sent to the DFE (Department for Education).
- Complaints about school re-organisation. – these should be referred to the LA.
- Complaints against services provided by third party hirers/users of the school premises – the school will direct the complainant to the external provider's own complaints procedures.

Objectives and targets

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised, including to third parties who hire school premises.
- Be simple to understand and use.
- Be impartial.
- Be compliant with the school's obligation under current legislation.
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.

- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the school's senior leadership team so that services can be improved.

Action plan

At St Bernard's CGS, the Headteacher has overall responsibility for the operation and management of the school complaints procedure. In practical terms, the Headteacher will nominate a senior member of staff to deal with matters on a day-by-day basis and hold records relating to any complaints received. The name of the member of staff appointed will be shared with the complainant.

We recognise the need to be clear about the difference between a concern and a complaint. Taking concerns seriously at the earliest stage reduces the numbers that develop into formal complaints and we aim to ensure that concerns are handled, if at all possible, without the need for formal complaints procedures. To do this, in relation to any concern raised by a parent of a child in the school, it is expected that attempts will be made to resolve difficulties informally, calmly and quickly with the subject teacher/Form Tutor/Head of Year before being referred to the Headteacher. The informal stage of the procedure will be exhausted before the matter is referred to the formal stages, at which point a complaint form is issued (see appendix 1), together with a copy of the school's complaints procedure guidance. At this point the complaint will be passed to the line manager or Headteacher, as appropriate, (see formal stage 2).

Complaints arising through conflict between estranged parents

Complaints arising through conflict between estranged parents over the application of parental responsibility will be dealt with through this policy. They will be dealt with having the best interest of the child in mind, with reference to the DFE guidance Understanding and Dealing with Issues Relating to Parental Responsibility September 2018, and with further legal advice if necessary.

Concerns and complaints from members of the public

Complaints from anyone who is not a parent of a child in the school should be addressed to the Headteacher in the first instance. The complainant should obtain a complaint form from the school (see appendix 1) and send it to the Headteacher, who may often be able to deal with the concern without recourse to a formal complaint procedure (formal stage 2).

Anonymous complaints

Anonymous concerns or complaints may not be investigated. However, the Headteacher or Chair of Governors will, if appropriate, consider whether the complaint warrants an investigation and decide what stage of the procedure needs to be invoked.

The complainant

To ensure the most effective response to the concern, the complainant should:

- Express the complaint in full as early as possible.

- Ask for assistance if needed throughout the handling of the complaint.
- Co-operate with the school in its procedures of seeking a solution to the complaint.
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- Treat all those involved in the complaint with respect.

The Governors

Governors should not allow themselves to be approached by parents or members of the public to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at stage 3 of the formal procedure (see below). If the complaint is actually about an individual Governor, group of Governors or the Governing Body as a whole, it should be addressed to the Clerk to the Governing Body who will determine the appropriate persons to deal with the complaint.

When responding to, or making criticism or complaints affecting the school, all Governors must follow the Complaints Policy and procedures, as agreed with the School's Leadership Team.

The Headteacher/Appointed Investigator

Whenever a formal complaint (stage 2) is received it will be investigated. The Headteacher, or any other nominated member of staff acting on his behalf, will make sure that they:

- Ensure that everyone involved in the complaint procedure is aware of the legislation around complaints including:
 - The Equality Act 2010.
 - Data Protection Act 1998 and General Data Protection Regulation.
 - Freedom of Information Act 2000.
 - DFE Best practice advice for school complaints procedures (April 2020).
- Are aware of issues regarding:
 - Sharing third party information.
 - Additional support for the complainant when making a complaint, including interpretation where appropriate.
- Liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure.
- Keep the complainant fully updated at each stage of the procedure.
- Keep records.

The investigator involved in stages 1 and/or 2 of the procedure will ensure that they:

- Conduct interviews with an open mind and are prepared to persist in the questioning.
- Keep notes of the interviews or arrange for an independent note taker to record minutes of all meetings.

The investigator's role will include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Interviewing the complainant sensitively and thoroughly to establish what has happened and who has been involved.
 - Interviewing staff, pupils and other people relevant to the complaint.
 - Consideration of records and other relevant information.
 - Analysing information.
- Effectively liaising with the complainant and the Headteacher, or appointed member of staff, to clarify what the complainant feels would put things right.
- Identifying solutions and recommending courses of action to resolve problems.
- Being mindful of the timescales to respond.
- Responding to the complainant in plain and clear language.

Stages in the Procedure

There are three stages in the school's complaints procedure. At each stage in the procedure, we will remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event to which the complaint refers will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking to review school policies in light of the complaint.

We encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

Stage 1: Informal Stage

The school expects any complaints to be made as soon as possible after an incident arises (although up to three months is acceptable in certain circumstances). A complaint may initially be made in person, by telephone, or in writing. In this informal stage, the investigator (namely the teacher in receipt of the complaint, their line manager or the Headteacher appointed member of staff) will deal with the complaint, providing they are not the subject of the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher/form teacher/Head of Year/tutor or with other members of staff. There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

The complaint should be resolved as soon as is possible and certainly within 10 school working days of receipt. Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period. The response may be in writing or discussion at a meeting.

However, if the concern is not met to the complainant's satisfaction, or if the complainant is not prepared to go through an informal procedure, then, should the complainant wishes to take the matter further, they are requested to complete the complaints form (appendix 1) and return it to the school for the attention of the Headteacher within 5 school working days. Once the Headteacher is informed, stage 2 is implemented.

Stage 2: Formal Stage (complaint heard by Headteacher or senior member of staff)

Once a formal complaint has been received, within the identified 5 school working day period following the conclusion of stage 1, stage 2 will be initiated. The school will consider exceptions to this time-frame from both parties where necessary and appropriate.

Procedures to initiate stage 2:

- The complainant puts the complaint in writing using the complaints form (appendix 1).
- The initial recipient of the complaint will refer the matter to the investigator (the Headteacher or appointed member of the Senior Leadership Team).
- The Headteacher, or appointed staff, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff and/or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The Headteacher, or appointed staff, will consider the complaint but it will be the Headteacher who will decide what action is required and respond to the

complainant with the outcome of the investigation, normally within 10 school working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

For complaints against the Headteacher or Governors

- Complaints against the Headteacher will usually be dealt with by the Chair of Governors, but might first involve a suitably skilled member of the Governing Body.
- Complaints against the Chair of Governors or any individual Governor should be made by writing to the Clerk to the Governing Body.
- Complaints about the Governing Body as a whole should also be referred to the Clerk. In some circumstances, the school reserves the right to refer the matter to an external body.

If the complainant is dissatisfied with the outcome of stage 2 of the procedure, they will be informed of their right to have the matter referred to the Governors' Complaints Appeal Panel. Any such appeal must be lodged in writing within 5 school working days and should be addressed to the Clerk to the Governors for the attention of the Chair of Governors. Following this, the aforementioned appeal panel will be convened.

Stage 3 – Formal (Governors' Complaints Appeal Panel meeting)

The aim of the review panel meeting is to review how the school has managed the complaint, not to re-investigate the complaint itself. This will include reviewing evidence and outcomes from stages 1 and 2 and evaluating whether the school has followed its policies and procedures. The panel should also give consideration to achieving reconciliation between the school and complainant, although it has to be recognised that this is not always possible.

When the Clerk to the Governors receives the request for the appeal panel to meet:

- A Governors' Complaints Appeal Panel will be assembled comprising three or five members, none of whom have any previous connection to the complaint, and one of whom will act as Chair for the meeting. The meeting will additionally have a Clerk in attendance.
- The Clerk will inform the complainant of the new timescale for the investigation and for the written report to be provided – usually within 14 school working days. However, the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed 14-day timescale, the school will set realistic time limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.
- The Clerk will inform the complainant of the right to be accompanied by a friend to the panel meeting.
- The Clerk will write to the complainant, the Headteacher, the Chair of Governors and appeal panel members giving details of the meeting,

requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.

If the complainant requests an independent panel, the school will consider the request but ultimately the decision is made by the Governors.

The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral. The procedure at the hearing (see appendix 2) will be sensitive and appropriate for the circumstances and is at the discretion of the Chair of the Governors' Complaints Appeal Panel.

The panel can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's procedures to ensure that similar problems do not recur.

The Governors' Appeal Panel's decision is final.

After the hearing

After the hearing, the Clerk will offer copies of the minutes of the meeting to all parties involved in the panel hearing and provide an opportunity for the minutes to be agreed and, if necessary, challenged within 5 school working days so that no additional complaints will arise because of the record of the meeting.

A copy of the findings and recommendations of the panel will be sent by hardcopy letter to the complainant and, where relevant, to the subject of the complaint, and will be available for inspection on the school premises by the Headteacher.

If a complaint results in disciplinary action by the school against a member of staff this would be confidential between that member of staff and the school, but otherwise complainants will be kept fully informed of the handling of any complaint.

A written record will be kept of all complaints stating:

- Whether the complaint was resolved following stage 2 or proceeded to stage 3 of the complaints' procedure.
- The action taken by the school as a result of the complaint (regardless of whether it is upheld).

All correspondence, statements and other records relating to individual complaints will be kept confidential except where the Education Secretary or Ofsted requests access to them.

The Governors' Complaints Appeals Panel

The review panel will normally be composed of three school governors, and it is good practice not to involve the Chair of Governors. The school may use their own Governors, but it is also permissible under the School Governance (Collaboration) England Regulations 2003 to have a panel composed of independent governors from other schools.

The Clerk to the Panel

This could be the Clerk to the Governors or the complaints coordinator providing they are not the Headteacher.

The Clerk is involved from stage 3 of the complaint procedure. The Clerk is the contact point for the complainant for the panel meeting and will:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Circulate the minutes of the panel hearing.
- Notify all parties of the panel's decision.
- Liaise with the complaints co-ordinator.

The Chair of the Panel

The Chair will ensure that:

- They liaise with the Clerk and the Headteacher/complaints co-ordinator.
- 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.
- The panel is open-minded and acts independently.
- The layout of the room is informal and not adversarial.
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease (particularly important if the complainant is a child).
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy.
- While the hearing is conducted in an informal manner, all matters brought up will be considered seriously.
- The role 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 meeting is minuted.
- The issues are addressed.
- Both the complainant and the school are given the opportunity to state their case and seek clarity where necessary.

- Key findings of fact are made.
- Written material is seen by everyone in attendance.
- If a new issue arises, a short adjournment of the hearing will take place so that everyone will have the opportunity to consider and comment upon it.

Members of the Panel

Panel members become involved at stage 3 in the complaint procedure. They need to be aware that:

- The aim of the hearing, which will be held in private, is not to re-investigate the complaint but to try to resolve it and achieve reconciliation between the school and the complainant.
- The panel hearing is independent and impartial, and must be seen to be so.
- Many complainants will feel nervous and inhibited in the setting.
- Extra care must be taken when the complainant is a child and is present during all or part of the hearing - the welfare of the child is most paramount.

If the complainant is still not satisfied following Stage 3

If the complainant is still not satisfied after all the processes of the school's complaints procedure have been undertaken or tries to re-open the same issue, the Chair of Governors will inform them in writing that the procedure has been exhausted and any further contact from the complainant on the same issue is likely to be ignored by the school.

If complainants wish to take the complaint further, they may approach:

- The local authority.
- The Diocesan body.
- The School Complaints Unit (SCU) of the DFE. The SCU will then decide whether they, or another organisation, would be best placed to respond to the complaint. The SCU will not re-open the complaint but will check that the procedures in the school's policy and other relevant policies were followed correctly and that the policy meets all legal requirements. The complaints form is available at:
https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1.

Complaints to the SCU may also be sent to:

The School Complaints Unit (SCU)
 Department for Education
 2nd Floor, Piccadilly Gate
 Store Street
 Manchester
 M1 2WD
 Telephone: 0370 000 2288.

Withdrawal of a complaint

A complainant is at liberty to withdraw their complaint at any time in the procedure. If this course of action is taken it must be done so in writing, via letter or email to the Headteacher.

Recording of complaints

The Headteacher/complaints coordinator will maintain a written record of the progress of all complaints from initiation, through formal and appeal processes to the final outcome and the record will include the action taken by the school as a result of the complaint regardless of whether it is upheld or not.

Findings of individual complaints will be made available to the complainant and, where relevant, the subject of the complaint. They will be available for inspection on the school premises by the Headteacher but will be kept confidential except where the Education Secretary or body conducting an inspection (eg. Ofsted) requests access to them.

Publicising the policy and procedure

St Bernard's CGS's complaints policy and procedure is referred to in many of the school's other policies and details of the school's complaints policy and procedure are included in:

- The school website.
- The information given to new parents when their children join the school.
- Documents supplied to community users, including course information or letting agreements.

Monitoring and evaluation

The governing board will monitor the level and nature of complaints using the records kept by the complaints co-ordinator. Wherever possible, complaints information shared with the whole governing board will not name individuals. The policy will be evaluated in the light of complaints made and their resolution in order to contribute to school improvement.

Should the DFE (or for academies and free schools the ESFA) advise the school that the policy or procedures need to be amended, these will be effected as soon as possible. Where changes in legislation require changes to the policy, these will also be introduced as soon as possible.

Reviewing

The governing board will review the outcomes of the monitoring exercise on a termly basis to ensure the effectiveness of the procedure and make changes where necessary.

Next school review due:

Unreasonable, Habitual or Vexatious Complaints

Unreasonable, habitual and/or vexatious complainants can be a problem for School staff and Governors. The handling of such complaints can place a strain on time and resources. Whilst the School endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done.

Members of staff recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of unacceptable behaviour such as harassment, aggressive verbal or physical abuse at any time will be documented and this may result in the complaint being dealt with only through written communication thereafter.

It is not necessary for a complaint to have become a Stage 3 complaint before this aspect of the policy can be invoked. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

This aspect of the policy should only be invoked following careful consideration by the Headteacher who has been authorised by the Governing Body to make decisions in such instances as this aspect of the policy may apply. If the complaint is principally or to a reasonable degree against the Chair of Governors then authorisation will be from a 3-person panel of the Governing Body.

No individual may undertake a role in authorisation if they are an object of the complaint.

Definition of Unreasonable, Habitual and/or Vexatious Complaint

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on his or behalf) may be deemed to be unreasonable, habitual or vexatious if previous or current contact shows that they may meet any or all of the following criteria, dependent upon degree.

On the occasion where complainants:

- Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g., where several responses have been provided);
- Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These may need to be addressed as separate complaints.
- Are unwilling to accept proper and reasonably documented evidence of action.
- Deny receiving an adequate response in spite of correspondence specifically answering their questions.
- Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.

- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing body to investigate.
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that in determining what is a 'trivial' matter can be subjective and careful judgments must be used in applying this criterion.
- Have, in the course of addressing a complaint, had an excessive number of contacts with the School placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of 'excessive contacts' applicable under this section, using judgment based on the specific circumstances of each individual case.
- Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- 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.

- 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/or by telephone while the complaint is being dealt with.
- Makes unreasonable demands on the complaint procedure and fail to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable within the complaints procedure or normal recognised practice)
- 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.

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

- 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.

A complaint will be considered unreasonable if the person making the complaint does so, whether face-to-face, by telephone, in writing or electronically, in a way that could be described as:

- Maliciously.

- Aggressively, using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.
- Using falsified information.
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Where aggression or abusive behaviour has been used, the school may have to:

- Ask them to leave the school premises.
- Inform the police.
- If necessary, bar them from being on school premises. The school will give the complainant the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the complainant and either confirmed or lifted. If the bar is confirmed, the complainant will be given an explanation as to how long the bar will be in place.

Strategy for Dealing with Unreasonable Habitual or Vexatious Complainants

Where complainants have been identified as habitual or vexatious under this policy, taking account of the above criteria, the Head and/or Chair will determine what action to take. The complainant will be notified in writing of the reasons why the complaint has been classified as habitual or vexatious, what action will be taken and of the review procedure detailed in the next section.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record must be kept of the reasons why a complainant has been classified as habitual or vexatious.

It may be decided that complainants will be dealt with in one or more of the following ways:

- Withdraw all contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. This contact may be limited to essential contact only.
- To restrict contact to liaison through a designated member of staff (and alternative arrangements should that member of staff be absent from College).
- Notify the complainant in writing that the Headteacher and/or Governing body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to

their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.

- Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, ensuring that the criteria outlined in Section 4.3 a) be met.
- In extreme circumstances inform the complainant that unreasonable or vexatious behaviour may result in legal action against them.

Appeal / Review Decisions and Withdrawing 'Unreasonable Habitual or Vexatious' Status

If the person categorised as habitual or vexatious is not satisfied with the decision made they may request that the decision be reviewed by the Governing body which will appoint an appeal panel of three governors to review the decision. Such a request for a review may only be received once in relation to any specific decision. Notice of that decision will be given, as far as is practical, within 28 days of receipt of the request

Once a complainant has been determined as habitual or vexatious, such status may be reviewed (as provided below) and if/and when appropriate, withdrawn

Should a complainant wish for their case to be reviewed they should notify the Headteacher in writing following a period of no less than nine months from the time that the complainant was either a) registered as 'habitual or vexatious' or b) following the appeal decision. The Head and/or Chair (or panel) will review this decision. The appeal should be reviewed and a decision relayed to the complainant within 28 days of the receipt of the request to appeal. Should a complainant be registered as 'habitual or vexatious' on three or more occasions then their right to a review will be withdrawn

The decision on review may either confirm or withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.

If it is deemed appropriate to withdraw the status of a habitual or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

Repetitive communications

If an individual is so persistent and vexatious against the school (e.g. with repetitive communications) they should be invited to make a complaint in respect of any issue they are raising to bring them within the complaints policy. Should they remain vexatious following the outcome of that complaints investigation or if they choose not to follow the complaints process, then the process outlined in Paragraph 4 may be applied.

If communication is so substantial that it becomes unreasonable, all communication will be directed to a Member of the Senior Leadership Team or LA Borough Solicitor who will review all communication to decide how the school should respond in line with this policy.

Monitoring and evaluation

The Governing Body will monitor the level and nature of complaints using records kept. Statistical information will also be presented to the Governing Body with details of complainants who are categorised as habitual and / or vexatious. Wherever possible, complaints information shared with the whole Governing Body will not name individuals. Policy will be evaluated in the light of complaints made and their resolution and changes made to policy where necessary.

Should the DFE advise the School that the policy or procedures need to be amended; these will be effected as soon as possible. Where changes in legislation require changes to the policy, these will also be introduced as soon as possible.

Reviewing

The Governing Body will review the outcomes of the monitoring exercise on a termly basis to ensure the effectiveness of the procedure and make changes where necessary.

Reference

Best practice advice for school complaints procedures (DFE: April 2020).
Understanding and Dealing with Issues Relating to Parental Responsibility (DFE: September 2018)

This policy was adopted by the Full Governing Body on 20th May 2020

Next review due: Spring 2022

APPENDIX 1: COMPLAINTS FORM

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name: (omit if complainant is a member of the public)

Your relationship to the pupil (omit if complainant is member of the public)

Address:

Postcode:

Daytime telephone number: Evening telephone number:

Email address:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint?
(To whom did you speak 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.

If you are making this complaint on behalf of a third party, please attach their written consent for you to do so.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

APPENDIX 2: CHECKLIST FOR A PANEL HEARING

The Governors' Complaints Appeal Panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.