

# Bishop Chadwick Catholic Education Trust

## Policy Procedure on the Handling of Concerns and Complaints

Spring 2021

<b>Agreed by Directors</b>	<b>11 May and 20 July 2021</b>
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## **1.0 Aim of the Policy**

Bishop Chadwick Catholic Education Trust is a Christ-centred community based on Gospel values. In living out our Vision that *“As a family of schools inspired by Christ, we aim to enable each individual to fulfil their God given potential. Excellence for everyone through learning, respect and partnership is the heart of our Trust”* the aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents and pupil’s confidence in Bishop Chadwick Catholic Education Trust’s ability to safeguard and promote welfare.

We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner. The Trust expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

## **2.0 Statement**

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our Trust culture. We intend that parents and pupils should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a pupil or their opportunities school at any of the schools within the Trust.

This policy aligns with the Diocese of Hexham and Newcastle and will ensure that the Diocesan Schools Commissioner is notified of all complaints that may have a detrimental impact upon the Trust/school in relation to the following areas: Catholic character, ethos and mission; Religious Education; Collective worship; Admissions; Relationships and Sex Education; Denominational Inspections.

## **3.0 Who can make a complaint?**

This Complaints Policy is not limited to parents or carers of children that are registered at any of the schools within Bishop Chadwick Catholic Education Trust. Any person, including members of the public, may make a complaint to the Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see Scope of this Complaints policy below), we will use this Complaints Policy

## **4.0 The difference between a concern and a complaint**

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

A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Policy. Bishop Chadwick Catholic Education Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Please direct your concern to the relevant staff member. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher/Deputy Headteacher in school or CEO/COO of the Trust if it is a Trust wide issue, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher/Deputy Headteacher or CEO/COO of the Trust 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. Informal concerns will be resolved within 10 working days of being raised wherever possible. If the school/Trust is unable to meet this deadline, they will provide the person raising the concern with an update and revised response date.

A concern which has not been resolved by informal means within 10 working days from the receipt of the complaint and where an update and revised response date has not been offered, can be notified as a complaint. In this case, the school/Trust will attempt to resolve the issue internally, through the stages outlined within this Complaints Policy.

### **5.0 How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the staff member or Headteacher of the school in question or the CEO/COO of the Trust if the concerns regards the Trust central services/Trust as a whole. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual school Governors or Trust Directors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the Policy.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as, "Private and Confidential". Complaints against the central services (except the CEO) should be made in the first instance, to the CEO via the Trust office. Please mark them as, "Private and Confidential".

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as, "Private and Confidential". Complaints that involve or are about the CEO should be addressed to the Chair of Directors, via the Trust office. Please mark them as, "Private and Confidential".

Complaints about the Chair of Governors, any individual Governor or the whole Governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as "Private and Confidential". Complaints about the Chair of Directors, any individual Director or the whole Board of Directors should be addressed to the Clerk to the Board of Directors via the Trust office. Please mark them as "Private and Confidential".

For ease of use, a template complaint form is included at the end of this Policy. In accordance with equality law, we will consider making reasonable adjustments if required, to

enable complainants to access and complete this complaint form. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### 6.0 Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher/CEO or Chair of Governors/Directors, if appropriate, will determine whether the complaint warrants an investigation.

### 7.0 Timescales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

We aim to resolve any complaints in a timely manner. Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the school is open. The definition of "working day" excludes weekends and Bank Holidays.

### 8.0 Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### 9.0 Scope of this Complaints Policy

This policy applies to all concerns and complaints about any provision of services by schools within Bishop Chadwick Catholic Education Trust and the Trust itself other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	Concerns about statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the local authority within which the school is part of.
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-">www.gov.uk/school-</a>

	<p><u>discipline-exclusions/exclusions.</u></p> <p><i>*complaints about the application of the behaviour policy can be made through the Trust's Complaints Policy.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal Whistleblowing Policy 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 whistleblowers 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 any of our schools / Trust should complain through this Complaints Policy. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's / Trust'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 / Trust'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 Policy to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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 Policy or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the Trust 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.

**Our aim is to resolve all concerns at the lowest possible level.**

### **10.0 Resolving complaints**

At each stage in the procedure, the school/Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **11.0 Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **12.0 Stage 1: Formal Complaints**

**12.1 Notification:** An unresolved concern or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the school's or Trust's policies, procedures, management or administration should be set out in writing (on the complaint form) with full details and sent with all relevant documents and full contact details for the attention of the Headteacher/CEO or the Chair of Governors/Directors, as appropriate (complaints regarding the Headteacher/CEO should go to the Chair of Governors/Directors as appropriate). Should a formal written complaint be received by another member of the school's/Trust's staff, this should be immediately passed it to the Headteacher/CEO, or Chair of Governors/Directors.

**12.2 Acknowledgement:** The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. Within this response, the Headteacher/CEO may seek to clarify the nature of the complaint. The Headteacher/CEO can consider whether a face to face meeting is the most appropriate way of doing this. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

**12.3 Investigation and resolution:** The Headteacher/CEO may deal with the matter personally or delegate a senior member of staff to act as "investigating officer." The "investigating officer" may request additional information from the complainant and will fully investigate the issue. In most cases the Headteacher/CEO or investigating officer will meet or speak with the complainant to discuss the matter.

**12.4 Outcome:** The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received during a school holiday or within 15 working days of

the end of term or half term may take longer to resolve. If the school/Trust is unable to meet this deadline, they will provide the complainant with an update and revised response date.

**12.5 Record of complaints:** Written records will be kept of any meetings and interviews held in relation to the complaint.

**12.6 Unresolved Complaints:** The school/Trust 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 Headteacher, or a member of the governing body (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 CEO, or a member of the Board of Directors (including the Chair or Vice-Chair), a suitably skilled Director will be appointed to complete all the actions at Stage 1.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body / Board of Directors or
- the majority of the governing body / Board of Directors

Stage 1 will be considered by an independent investigator appointed by the governing body/Board of Directors or the Diocese if appropriate. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **13.0 Stage 2 – Complaint Heard by the Complaints Panel**

**13.1 Request:** 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 for a complaint to be heard by a Complaints Panel (an appeal). This must be made in writing and within 10 working days of the date of the decision made at Stage 1. Requests received outside of this time frame will only be considered if exceptional circumstances apply. This is the final stage of the Complaints Policy.

**13.2 Acknowledgement:** Where an appeal is received, the school/Trust will within 3 working days refer the matter to the Clerk of the Governors/Directors who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within 3 working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

**13.3 Panel Hearing:** The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 2 request. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

**13.4 Panel Membership:** The Panel will consist of two Governors/Directors on the Governing Body/Board of Directors who have not previously been involved in the complaint, and one person independent of the management and running of the school/Trust (the process



used for selecting the independent person will conform to relevant guidance). The Panel will select its own Chair.

### **13.5 The Remit of the 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/Trust's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school/Trust and the complainant. The panel Chair will ensure that the proceedings are as informal as possible.

### **13.6 Attendance:**

If the complainant wishes to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, it is not encouraged that either party bring legal representatives to the committee meeting, however, there may be occasions when legal representation is appropriate. Representatives from the media are not permitted to attend.

### **13.7 Evidence:** At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the Policy.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

### **13.8 Decision:** The committee will consider the complaint and all the evidence presented.

The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's/Trust's systems or procedures to prevent similar issues in the future.

The Panel will reach a decision, and make any recommendations within 10 working days of the hearing. The decision reached is final.

**13.9 Notification of the Panel's Decision:** The Panel's findings will be sent, by writing, to the Clerk, to the complainant, the Governors/Directors and the Headteacher/CEO and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel.

The Chair of the Committee will provide the complainant and school/Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school/Trust.

If the complaint is:

- jointly about the Chair and Vice Chair or;
- the entire governing body/Board of Directors or;
- the majority of the governing body/Board of Directors.

Stage 2 will be heard by a committee of independent Governors.

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/Trust will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

**13.10 Record Keeping:** The school/Trust will keep a record of all appeals, decisions and recommendations of the Complaints Panel.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

**14.0 Vexatious Complaints:** If properly followed, this complaints policy will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix E and F for further details of how such complaints will be dealt with and examples of behaviour which will not be tolerated.

### **15.0 Next Steps**

If the complainant believes the school/Trust did not handle their complaint in accordance with the published Complaints Policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school/Trust. They will consider whether the school/Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the

ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

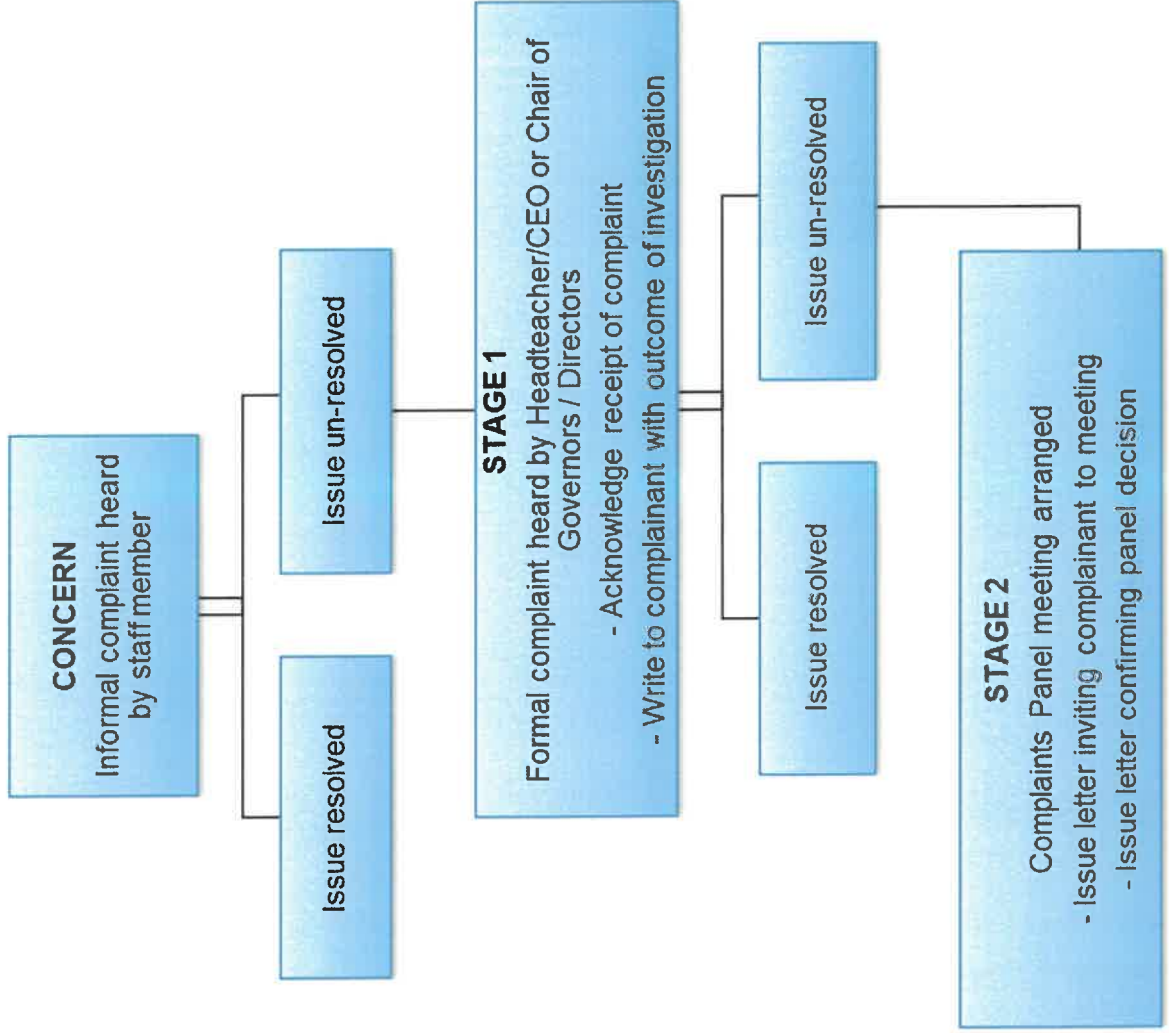
5 Quinton Road

Coventry

CV1 2WT

**Appendix A: Summary of dealing with complaints**

If a formal complaint is made, Stage 1 of the process is automatically invoked.



**Appendix B: Complaint Form**

**TRUST COMPLAINT FORM**

Please complete and return to the relevant person at the school/Trust central services (see page 2 of this policy) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school / Trust about it.</b>

**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:**

## Appendix C: Checklist

### Checklist for a Panel Hearing:

- 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/CEO may question both the complainant and the witnesses after each has spoken
- The Headteacher/CEO is then invited to explain the school's/Trust's actions and be followed by the school's/Trust's witnesses
- The complainant may question both the Headteacher/CEO 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/CEO 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 the panel within a set time-scale

## **Appendix D: Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school/Trust in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond



- prepare a comprehensive report for the Headteacher/CEO or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

**Complaints Co-ordinator** (this could be the Headteacher/CEO/designated complaints Governor/Director or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher/CEO, Chair of Governors/Directors, Clerk and LAs (if appropriate) to ensure the smooth running of the Complaints Policy
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school/Trust 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/Trust 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/Director 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/Trust and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

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

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

## **Appendix E: Policy on unacceptable behaviour**

The Board of Directors recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, Directors do not expect the Trust's staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school/Trust's premises, including the yard.

If the Headteacher/CEO considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Headteacher/CEO will take action to restrict the complainant's contact with school/Trust.

### **Unacceptable actions and behaviours**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which school often find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention.

- Foul and abusive language towards staff, other parents and pupils.
- Behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication.
- Undermining Trust or school policies by actively encouraging pupils to ignore staff requests.
- Making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Combinations of some or all of these.

The decision to restrict access to the school/Trust offices will be taken by the Headteacher/CEO. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or

- asking the complainant to enter into an agreement about their conduct.

In all cases the school/Trust will write to tell the complainant why we believe his or her behaviour is unacceptable, what action they are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, the school/Trust may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Board of Directors will seek to limit any detriment to any pupils who attend Trust schools, as far as is reasonable within these circumstances e.g. access to parents' evenings, newsletters, and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's/Trust's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **Appendix F: Policy on unreasonably persistent complainants**

The Board of Directors recognises that it is the last resort for complainants. It is also accountable for the proper use of public money and must ensure that that money is spent wisely and achieves value for complainants and the wider public.

The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the school.

However, there are a small number of complainants who, because of their frequent contact with the school/Trust, hinder consideration of their or other people's complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, the Headteacher will take action to limit their contact with school/Trust.

### **Actions and behaviours of unreasonable and unreasonably persistent complainants**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which schools in general often find problematic. It is by no means an exhaustive list and factors may vary, but they are examples that may come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the school's/Trust's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a Complaints Policy despite having been provided with information about the Policy's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted Complaints Policy or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements they made at an earlier stage.
- Introducing new information which the complainant expects to be considered and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.

- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the school or Trust and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous school/Trust staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full Complaints Policy.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

The decision to restrict access to the school/Trust offices will be taken by the Headteacher/CEO and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where it is decided to treat someone as an unreasonably persistent complainant, the school/Trust will write to tell the complainant why it is believed their behaviour falls into that category, what action is being taken and the duration of that action. They will also be told how they can challenge the decision if they disagree with it. If the school/Trust decides to carry on treating someone as an unreasonably persistent complainant and they are still investigating their complaint six months later, they will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with the school/Trust about it, it may be decided to terminate contact with that complainant. In such cases, the school/Trust will read all correspondence from that complainant, but unless

there is fresh evidence which affects their decision on the complaint they will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

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