

**LONDON SOUTH EAST ACADEMIES TRUST**

**COMPLAINTS POLICY**

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Author:	Jo Southby
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## **ETHOS**

All our Academy staff are dedicated to providing all students with the best possible education and will aim to care properly for their health, safety and welfare at all times. We are committed to working closely with parents and believe that each Academy should work in partnership with parents, each carrying out their particular responsibilities to help the students gain the most from their time in statutory education. This procedure pertains to each Academy and all other elements of the organisation as a whole within London South East Academy Trust.

## **STATEMENT OF POLICY**

We must be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. Concerns ought to be handled if at all possible, without the need for formal procedures and we encourage early discussions within each Academy to take place in an attempt to alleviate concerns and resolve matters promptly.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the teacher, the individual delivering a service (eg Outreach) or the Line Manager, will receive the first approach. It is always helpful if staff were able to resolve issues on the spot, including apologising where necessary and utilising a restorative approach.

In some circumstances it may be appropriate to raise informal concerns directly with a member of the senior leadership team (Centre Manager, Assistant Head or Deputy Head). It will then be the responsibility of the senior leadership team member to facilitate a resolution in partnership with all relevant parties which may include a scheduled meeting, restorative approach or mediation. Should an initiate informal concern prove to be more serious, it is the responsibility of the Head of School to initiate the next steps in line with an appropriate response. Equally the Head of School may respond if the informal concern is regarding a member of the senior leadership team as would the Chair of the Governing Body if the informal concern related to the Executive Headteacher. Complaints will only be escalated to the Trust Board where all levels of the tiered approach have been exhausted and no resolution has been reached.

## **ROLE OF THE COMPLAINTS CO-ORDINATOR**

Formal procedures will need to be invoked where initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

London South East Academies Trust adopt a tiered approach in responding to formal complaints, to which complaints will be asked to refer to in the first instance. This is to ensure complaints are responded to in a measured, fair manner from the outset.

It is in the interests of everyone that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and our Academies can be crucial in determining whether the complaint will escalate. To that end if staff are made aware of the procedure, they know what to do when they receive a complaint.

It would assist the procedure if each Academy respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the appointed relevant Complaints Co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Executive Headteacher, the appointed Complaints Co-ordinator can refer the complainant to the Chair of Governing Body.

The role of the Complaints Co-ordinator is to ensure fair and impartial consideration of all complaints and to ensure that complainants are provided with a well-considered response to their concerns within the appropriate timescales. Complainants can contact the Complaints Coordinator to discuss the progress of their complaints or to indicate they wish their complaints to be considered further at the next stage. The Complaints Co-ordinator will share all complaints referred to him/her to the Head of School and shall ensure that all correspondence, statements and records of any such complaints are kept confidential within the

Complaint Log held by the Head of School. If the member of staff allocated as the Complaints Co-ordinator feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member at the same level and has the ability to consider the complaint objectively and impartially.

## THE STAGES OF COMPLAINT

The following stages are likely to be sufficient:

- Stage One: Complaint heard by staff member (though not the subject of the complaint), known as the Complaint Co-ordinator
- Stage Two: Complaint heard by the Head of School or designated SLT member, known as the Complaint Co-ordinator
- Stage Three: Complaint heard by the Executive Headteacher, known as the Complaint Co-ordinator
- Stage Four: Complaint heard by Governing Body's complaints appeal panel.
- Stage Five: Complaint heard by the Trust Board.

An unsatisfied complainant can always take a complaint to the next stage.

## THE STAGES OF COMPLAINTS – THE PROCESS

- 1) In the first instance all formal complaints must be in writing, either via letter or email.
- 2) Receipt of formal complaint will be acknowledged in writing to the complainant within 3 days of receiving it. This will commence the '*information gathering stage*'.
- 3) The '*information gathering stage*' must be completed within 10 days of receiving the formal complaint. The complainant will at this stage be notified of the findings and conclusion or will be formally notified that a Formal Investigation will commence where a formal Investigating Officer will be appointed.
- 4) Complaints must initially be directed to either the Line Manager, Centre Manager or appropriate member of the Senior Leadership Team relevant to the area of complaint.
- 5) If the formal complaint relates to a member of staff outlined in Number 4 or if the complainant remains dissatisfied with the outcome and wishes to take the matter further then they can escalate to the Head of School or other designated senior manager.
- 6) If the formal complaint relates to a member of staff outlined in Number 5 or if the complainant remains dissatisfied with the outcome and wishes to take the matter further then they can escalate to the Executive Headteacher.
- 7) If the formal complaint relates to the Executive Headteacher or if the complainant remains dissatisfied with the outcome and wishes to take the matter further then they can escalate to the Chair of Governing Body where a Complaints Panel may be convened. This is considered the Appeal Process.
- 8) A Complaints Panel must be convened within 20 working days from receipt of notification of appeal. Complainants will be invited to attend the Panel with 7 days notice (including weekends), and have to option to be accompanied by either a work based colleague or union representations where the complainant is a member of staff.
- 9) The Trust Board will only be involved in reviewing the complaint where the complainant remains unsatisfied and the Governing Body are in agreement that this is a reasonable escalation of the complaint. The determining of the Governing Body is key in managing effectively vexatious complaints which are outlined in more detail later in this policy.
- 10) All parties will be notified of the Complaints Panels decision and any recommendations within 20 working days of the hearing concluding.
- 11) All copies of all the written records of the Complaints Panel will be stored in compliance with GDPR 2018.

It is the responsibility of the member of staff receiving the complaint to follow the principles and process outlined in this document to ensure fair treatment of both complainant and respondent and to ensure that the complainant, whether staff member, other agency or member of the public is fully advised of the complaints process.

## **FRAMEWORK OF PRINCIPLES**

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- work in line with our Privacy Notice (GDPR 2018);
- be simple to understand and use;
- be impartial;
- 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 senior management team including Executive Headteacher and/or Chair of Governing body / Chair of the Trust Board when necessary so that services can be improved.

## **FORMALLY INVESTIGATING COMPLAINTS**

The complainant will be notified in writing if an Investigation has been initiated following the information process indicating this step is required. The name of the designated Investigating Officer will be identified and the process of investigation will include:

- meet with the complainant or contact them (if unsure or further information is necessary), providing 5 working days notice, allowing them to be accompanied if they wish;;
- clarify the nature of the complaint and what remains unresolved;
- establish what has happened so far, and who has been involved;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.
- Review all relevant documentation related to the complaint.
- respect participants right to confidentiality.
- complete an investigation report including recommendations.
- investigation report will be shared with the Head of School or the Executive Headteacher in the first instance, dependant on whom the complaint was originally made to.
- complainant will be notified of the investigation outcome within 5 working days of the investigation being concluded. This will be in writing but may also include a meeting in person.
- Investigations should always aim to be resolved fully (when complainant receives the investigation outcome) with 4 working weeks of the investigation commencing.
- if a complainant remains dissatisfied they can make an appeal within 5 days of receiving the investigation outcome, in writing to the Chair of Governing Body.
- the Chair of Governing Body will assess the appeal claim and must make a determination as to whether the appeal is either denied or upheld. This decision will be made within 15 days of receiving the appeal in writing.

- If the complainant remains dissatisfied, the Chair of Governors may seek further quality assurance of the decision made and respond to the complainant jointly with the Chair of the Trust Board with a final outcome.

## **RESOLVING COMPLAINTS**

At each stage in the procedure we will consider ways to resolve a complaint including following an investigation. 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 complained of will not recur;
- re training;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review of policies and/or processes in light of the complaint.
- Initiation alternative formal next steps processes, including but not limited to; HR (and all related policies and procedures).

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. Failure to state what actions they desire, must not prevent the complaint process from continuing. An admission that an Academy could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

## **GOVERNING BODY APPEAL AND POST CONCLUSION REVIEW APPEAL PROCESS**

Upon receipt of a formal complaint the Chair of Governing Body will arrange for all information on the complaint to be collated and will convene a Governing Body Complaints Panel within 20 working days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of any of the Academies.

The appeal hearing by the Governors' Complaints Panel is the last internally-based stage of the complaints process and will review the earlier stages of the process together with any additional information that is available. Individual complaints are not heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complainant will be invited to the appeal hearing of the Governors Complaints Panel and will be given at least 7 days notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.

## **POST CONCLUSION REVIEW PROCESS**

Upon receipt of a formal complaint the Chair of Governors, or a nominated governor, will arrange for all information on the complaint to be collated and will convene a Governing Body Complaints Panel within 20 working days. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of the Federation.

The appeal hearing by the Governors' Complaints Panel is the last Federation-based stage of the complaints process and will review the earlier stages of the process together with any additional information that is available. Individual complaints are not heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The complainant will be invited to the appeal hearing of the Governors Complaints Panel and will be given at least 7 days notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.

## **OUTCOME REMIT OF THE COMPLAINTS APPEAL PANEL**

The Governing Body Complaints 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 systems or procedures to ensure that similar problems do not recur.
- Recommend and/or initial formal proceedings in line with HR Policy and processes and any other policies they deem applicable.
- Refer the complaint to the Chair of the Trust Board for scrutiny of the decision made by the Governing Body Complaints Panel who will either uphold the decision of the Chair or review the decision and undertake further investigation, responding to the complainant within 15 working days of the Chair of the Panel's decision being made and referred to them.

Governors or any independent members of the Appeals Panel will keep certain points clearly in mind:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the Complaints Panel if they have had a prior involvement in the complaint in question or in the circumstances surrounding it. Members of the Complaints Panel who feel their independence might be compromised in this or any other way must draw this to the attention of the Chair of Governing Body. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b) The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. In some cases 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.
- c) Extra care needs to be taken when the complaint directly concerns a student. The Complaints Panel needs to be aware of the views of the student and give them equal consideration to those of adults. Where the student's parent is the complainant, the panel will provide the parent with an opportunity to discuss which parts of the hearing, if any, it might be helpful for the student to attend.
- d) The governors sitting on the Complaints Panel need to be fully aware of this complaints procedure.

## **ROLES AND RESPONSIBILITIES**

### **THE ROLE OF THE CLERK TO THE GOVERNORS**

The Clerk to the Governors is the contact point for the complainant at Stage 4 and required to:

- set the date, time and venue of the hearing, ensuring where possible that the dates are convenient to all parties and that the venue and proceedings are accessible;
- ensure that the Complaints Panel is convened within 20 working days of the notice of formal complaint being received unless all parties agree to any further deferral;

- 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 and outcomes of the hearing;
- notify all parties in writing of the panel's decision and any recommendations within 20 working days of the hearing;
- ensure that copies of all the written records of the hearing are included on the Complaints Coordinators confidential file and record of complaints.
- Provide administrative support and coordination between the Chair of Governors and Chair of the Trust Board where the complaint reaches Stage 5 and final communication is required with the complainant.

## **THE ROLE OF THE CHAIR OF THE PANEL**

The Chair of the Complaints Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- any friend or adviser accompanying the parent/complainant is advised of their role and how the panel will arrange for their contribution to proceedings;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- one member of the panel is independent of the management and running of the school;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **CHECKLIST FOR A PANEL HEARING**

The 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 Executive Headteacher may question both the complainant and the witnesses after each has spoken.
- The Executive Headteacher is then invited to explain the Federation's actions and be followed by the Academy's witnesses.
- The complainant may question both the Executive 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 Executive Headteacher is then invited to sum up the Academy 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, given at that time.

## **NOTIFICATION OF THE PANEL'S DECISION**

The Chair of the Panel needs to ensure, via the Clerk to the Governors, that the complainant is notified of the panel's decision and any recommendations, in writing, within 20 working days. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **TIME-LIMITS**

Complaints will be considered and resolved, as quickly and efficiently as possible. Realistic time limits for each action within each stage have been set. However, there may be mitigating circumstances where further investigations are necessary or delays occur, for example but not limited to school holidays or staff absence. When this occurs new time limits can be set at the discretion of the Investigating Officer and/or Complaints Co-ordinator and it is their responsibility to notify the complainant in writing details of the new deadline and an explanation for the delay.

## **MANAGING AND RECORDING INFORMAL/FORMAL COMPLAINTS**

### **RECORDING COMPLAINTS**

A complaint may be made in person, by telephone, or in writing depending on whether informal or formal. At the end of a notification or upon receipt of the complaint, the member of staff should ensure that the complainant and themselves have the same understanding of what was discussed and agreed. A record of conversation or meetings must be kept and a copy of any written response added to the record.

The Head of School at each Academy is responsible for completing and maintaining their Complaints Log. The log will acknowledge both formal and informal complainants and all correspondence, statements and records of complaint must be kept confidential in line with Fair Processing (GDPR 2018). The log can only be accessed by specified members of the senior leadership team and the Chair of the Governing Body.

External requests to view the Complaints Log must be submitted in writing with reasons why given, with a minimum of 5 days notice. The decision to allow viewing is at the discretion of the Head of School and the Executive Headteacher with all decisions GDPR compliant. This does not include HMI Inspection who will be provided access at time of inspection. Copies will also be made available to the Registration Authority on request.

## **DEALING WITH VEXACIOUS, PERSISTENT AND / OR ABUSIVE COMPLAINTS**

Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the school. This can happen either while their complaint is being investigated, or once the Academy has finished dealing with the complaint.

We are always committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

We do not expect staff to tolerate unacceptable behaviour by complainants or any visitor to our schools. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- *Using abusive or foul language on the telephone*
- *Using abusive or foul language face to face*

- *Sending multiple emails*
- *Leaving multiple voicemails*

We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow actions outlined in this policy.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

Our aim is to deal with all complainants in ways which are demonstrably consistent, fair and reasonable. In this section of our Complaints Policy is outlined how we will decide which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances.

## **DEFINITIONS**

We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"

We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contact with Heads of School, Heads of Outreach, Inclusion Manager or Executive Headteacher, hinder our consideration of their or other people's complaints and prevent our schools or services being able to operate effectively due to extreme time demands of dealing with repeated complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint. Another example is an avoidance of following the Complaints Procedure and involving other external sources as the first point when raising any complaint.

Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure (eg parking ticket and planning appeals)
- refuse to accept that issues are not within the power of the Federation to investigate, change or influence (examples could be a complaint about normal, expected practices or legal expectations such as school attendance or wearing of school uniform in the case of a parent / carer or pupil)
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a

complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)

- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the council, but at the same time with a Member of Parliament, other councils, elected councillors of this and other councils, the council's independent auditor, the Standards Board, the police, solicitors, and the Local Government Ombudsman
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the Federation or an individual school through different routes about the same issue
- persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on a historic and irreversible decision or incident
- combine some or all of these features

## **IMPOSING RESTRICTIONS**

We will ensure that the complaint is being, or has been, investigated properly according to our Complaints Policy. Imposing any restriction can only be issued by the Executive Headteacher or by a member of the overall Senior Leadership Team (Heads of School, Head of Outreach or Inclusion Manager), as agreed by the Executive Headteacher.

In the first instance the Head of School, Head of Outreach or Inclusion Manager will consult with the Executive Head Teacher prior to issuing a warning to the complainant. They will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. They will explain the actions that may be taken if the behaviour does not change.

If the disruptive behaviour continues, the Executive Head Teacher will then issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact us in future will be restricted. The Executive Head Teacher will make this decision and inform the complainant in writing of what procedures have been put in place and for what period.

Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include :

- Banning the complainant from making contact by email and directing them to face-to-face contact only or using internal meeting structures in the case of complaints by staff.

- Banning the complainant from sending emails to specific managers / Head of School / Executive Head Teacher and insisting they only correspond by letter.
- Banning the complainant from accessing any of the school sites in the case of external complainants.
- Banning the complainant from accessing any school building except by appointment
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)

When the decision has been taken to apply this criteria to a complaint, the Executive Headteacher will contact the complainant in writing (and/or as appropriate) to explain:

- why we have taken the decision,
- what action we are taking,
- the duration of that action,
- the review process of this policy, and
- the right of the complainant to contact the Chair of Governing Body about the fact that they have been treated as a vexatious/persistent complainant.

The Executive Headteacher will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the Executive Head Teacher through discussion with the Chair of Governing Body and LSEAT HR, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

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

## **NEW COMPLAINTS FROM COMPLAINANTS WHO ARE TREATED AS ABUSIVE, VEXATIOUS OR PERSISTENT**

New complaints from people who have come under this policy will be treated on their merits. The Head of School, Head of Outreach or Inclusion Manager will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on our contact with him or her, will be recorded and notified to those who need to know within each Academy as well as recorded for information with the Governing Body.

## **REVIEW**

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Head of School after three months and at the end of every subsequent three months within the period during which the policy is to apply.

The complainant will be informed of the result of this review if the decision to apply this policy them has been changed or extended.

## **REFERRING UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINANTS TO THE LOCAL AUTHORITY**

In some cases, relations between the Academy and unreasonably persistent or vexatious complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the Chair of Governing Body, or in conjunction with the Trust HR, may be prepared to consider a complaint before the procedure has run its course.

## **RECORD KEEPING OF ABUSIVE, VEXATIOUS OR PERSISTENT**

Adequate records will be retained by the Head of School (and HR if pertaining to a member of staff) of the details of the case and the action that has been taken. The Head of School (and HR if applicable) will retain a record of

- The name and address of each individual who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the individual was advised

\*All records will be stored in line with GDPR 2018.

The Governing Body will be provided with an annual report giving information about individuals who have been treated as vexatious/persistent as per this policy.

## COMPLAINT FORM

Please complete and return to .....(Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your Name:

Student's Name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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: