Stowe Valley
MULTI ACADEMY TRUST

# Complaints Policy

## (including Complaints Procedure, Serial and Unreasonable Complaints Policy, Complainants who behave in an unacceptable way and Barring from School Premises)

Adopted by Trustees: 5th April 2022
Reviewed : 16 July 2024

Next Review Date: December 2026

Person responsible for overseeing the implementation: CEO

Chair of Trustees signature: C.L Chevassut

## 1. Background

Stowe Valley Multi Academy Trust is committed to providing the very best education for our young people and we want our pupils to be healthy, happy, safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible.

The Head Teacher will be the first point of contact when following the complaints procedure.

## 2. Legal framework

2.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

2.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- ESFA (2015) 'Creating an academy complaints procedure'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

2.3 This policy will be implemented in accordance with the following Stowe Valley Multi Academy Trust policies:

- Records Management Policy
- Child Protection and Safeguarding Policy
- Grievance Policy

## 3. Aims and Principles of the Policy

This Policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the School and all those involved

Where concerns are raised, the academy trust intends for these to be dealt with fairly, openly and promptly. The Trust Board has approved the following procedure which explains what the Complainant (or person who makes the complaint) should do if they have any concerns about the school.

The academy trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the policy and make it available on all schools within the academy trust's websites.

Where appropriate, the School ***may*** offer mediation to resolve a concern or complaint at any stage of the process. The School may also use someone independent from the School to investigate a complex issue and to report back to the Head Teacher or Chair of Governors (depending on which stage of the process the complaint is being dealt with).

Throughout the process, we will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

In the event of a Complaint reaching Stage 4 of the process the Complaint Appeal Panel may consist of governors from other schools in the Trust and/or Trustees to ensure impartiality.

## 4. Scope of this Complaints Policy

School Governing Boards are required under Section 29(1) of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. This procedure covers all complaints about any provision of community facilities or services by the academy trust other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|---|---|
| • Admissions to schools<br>• Statutory assessments of Special Educational Needs under Children & Families Act 2014<br>• School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Warwickshire Local Authority Admissions service. |
| • Matters likely to require a Child Protection Investigation | Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.<br>Any child protection complaints should be directed to the LA designated officer (LADO) Contact details for the LADO are lado@warwickshire.gov.uk or the Multi-Agency Safeguarding Hub (MASH) |
| • Exclusion of children from school* | Complaints about pupils being excluded from school should be dealt with by following the process explained at: www.gov.uk/school-discipline-exclusions/exclusions |
| • Staff grievances, conduct and | Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedures. |

| | |
|---|---|
| disciplinary procedures | In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed. |
| • Whistleblowing | The school has an internal whistleblowing procedure for all our employees, including temporary staff and contractors.<br>Complaints of this nature should **not** be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on 0300 123 3155 or via email at whistleblowing@ofsted.gov.uk<br>Volunteers who have concerns about the school should make their complaint in line with this policy. Volunteers may also be able to complain direct to the LA or DfE, depending on what the complaint is about. |
| • National Curriculum – RE and RSE | Complaints about how the school delivers RE and RSE **will** be dealt with using this complaints procedure.<br>Any complaints about the content of collective worship should be made to the LA, the local Standard Advisory Council on Religious Education or another relevant body.<br>Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure. |
| • Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly. |

Arrangements for handling complaints from parents of children with Special Educational Needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the (class teacher / special educational needs co-ordinator / SENCO / Head Teacher); they will then be referred to the complaints policy. Our SEND policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

## 5. Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm
- Pupils are missing education
- A complainant is being prevented from having their complaint progressed through the school's complaints procedure

- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a Social Services authority decides to investigate a situation, the Head Teacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are admissions decisions, certain decisions relating to formal assessment of SEND and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 6. Making a complaint

6.1 Complaints are not restricted to parents of attending pupils. Schools within the academy trust will consider all complaints.

6.2 The academy trust will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised on the school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

6.3 Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

6.4 The academy trust upholds a 3-month time limit in which a complaint can be lodged regarding an incident.

6.5 Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

6.6 In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

6.7 Complaints should be made using the appropriate channels of communication, including the use of the Complaint Form *(Appendix 2)*.

6.8 All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

6.9 A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

6.10 Any complaint made against a member of staff will be initially dealt with by the Head Teacher, and then by a committee of the governing board.

6.11 Any complaint made against the Head Teacher shall be initially dealt with by a suitably skilled member of the governing board and then by a committee of the governing board or an independent panel consisting of Governors from other Academy Trust schools or Trustees.

6.12 Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the Head of Governance and Compliance.

6.13 Any complaint made against the entire governing board, or complaints involving the chair and the vice chair, should be made in writing to the Governance Professional of the governing board. The Clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school or Trustees.

6.14 Under some circumstances, it may be necessary to deviate from the Complaints Procedure. Any deviation will be documented.

6.15 Information about a complaint will not be disclosed to a third party without written consent from the complainant.

Stowe Valley
MULTI ACADEMY TRUST

# Complaints Procedure

Adopted by Trustees:
Next Review Date: July 2026
Person responsible for overseeing the implementation: CEO

Chair of Trustees signature: C. L Chevassut

## Introduction

Inevitably there will be occasions when parents / carers / stakeholders are worried or concerned about issues arising from their child's experiences whilst in the care of Stowe Valley Multi Academy Trust. Many of these issues are more correctly identified as concerns rather than complaints. This academy trust is committed to taking such concerns seriously at the earliest stage and resolving them to the satisfaction of all parties as quickly as possible. However, on the rare occasions when a concern cannot be resolved, we have a formal complaints procedure which is outlined below.

The prime aim of the policy is to resolve any complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Serial and Unreasonable Complaints will incur appropriate action by the school – please refer to our model Policy for Serial and Unreasonable Complainants for further guidance in this regard.

## Definition

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The school will resolve concerns through day-to-day communications as far as possible.

- A **complaint** is defined as "an expression of dissatisfaction however made about actions taken or a lack of action".

Any concern or complaint will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

A '**grievance'** is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, we invite them to raise this with their child's subject teacher/ tutor/ Head of Year/ Pastoral Lead in the first instance. Ideally the class teacher will be able to address the Complainants' concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

If a complainant has difficulty discussing a concern with a particular member of staff, we will respect their views. In these cases, the Head Teacher, will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher, will refer them to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school within the trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure (Appendix 1).

**Stage 1 - Informal Stage**

Concerns may be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The Complainant should start by sharing their concerns with the teacher/ tutor/ Head of Year/ Pastoral Lead as this is usually the best and quickest way of resolving issues. In some cases, the concern raised may require investigation, or the class teacher may feel it more appropriate to refer the Complainant to a more senior or experienced member of staff who will try to resolve the concern informally. In this case the Complainant should receive an informal but considered response within 7 school days.

- It is recommended that the Complainant makes an appointment to speak to the teacher/ tutor/ Head of Year/ Pastoral Lead as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted

- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away

- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem

- To prevent any later challenges or disagreements over what was said, it is good practice for the teacher/ tutor/ Head of Year/ Pastoral Lead to make brief written notes of meetings and telephone calls and a copy of any written response should be added to the record. These notes are kept securely on the school's ICT system.

- They may need to talk to others before they can respond. The Complainant should be given a timescale for a response; no more than 7 school days.

Most concerns will be satisfactorily dealt with in this way. However, if the Complainant is not happy with the informal approach then a formal complaint must be made to the Head Teacher (unless they are about the Head Teacher) within 10 school days via the school office, giving the reasons for the continued concern.

This may be done in person, in writing (preferably on the Complaint Form *Appendix 2*), or by telephone. The issue will then be escalated to:-

**Stage 2 – Formal Complaint made to the Head Teacher.**

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

- If the complaint is about the Head Teacher, the Complaints Co-ordinator should be informed and will need to handle the complaint. The complainant can then be referred to the Chair of the Governing Board. If the complaint is about the CEO, the Complaints Coordinator should refer the complaint to the Chair of the Trust Board.

- If a complaint is made to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the adopted school procedure; if they do, they cannot be involved in the complaint if it is subject to a hearing at a later stage of the procedure.

**Stage 2 – Formal Complaint made to the Head Teacher**

Stage 2 of the process should be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Head Teacher will contact the complainant to inform them of a revised target date.

Formal complaints can be raised:

- By letter or email
- Over the 'phone
- In person
- By a third party acting on behalf of the complainant

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

An appointment with the Head Teacher should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant can arrange alternative accompaniment.

The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation should be sent to the complainant within 15 school days.

Where the Head Teacher or Chair of the Governing Board has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept, and a copy of any written response added to the record. These notes are kept securely and, where appropriate, encrypted.

The Head Teacher or investigator will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved;
- Meet or contact the Complainant if they need further information;
- Clarify how the Complainant may feel things could be put right (if this has not been set out in their letter or included on the Complaints form);
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record.

The Head Teacher or investigator will keep in mind ways in which the complaint can be resolved. It may be enough 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 (please note this is not an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

Once all facts are established, within a maximum of 15 school days the Head Teacher should contact the complainant in writing with an explanation of the decision.

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 which the school will take to resolve the complaint.

The complainant will be advised of any escalation options (for example, escalation to Stage 3) and provided with details of this process.

Complaints can be escalated by contacting the Governance Professional to the governing board:

- by letter or email
- over the ‘phone
- in person
- through a third party acting on behalf of the complainant. The Governance Professional will need the details of the complaint, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The complainant will also be provided with copies of approved minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.

**Stage 3 – Investigation by the Chair of Governors**

The complainant should submit any complaint in respect of the Head Teacher's investigation in writing (or via an alternative method if necessary) within 10 school days to the chair of governors.

The chair of governors will carry out an investigation and consider all available evidence.

The complainant and the Head Teacher should be informed of the outcome within 20 school days of the chair of governors receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

If the complainant is not satisfied with the way the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (Stage 4).

**Stage 4 – Complaint Appeal Panel (CAP)**

Following receipt of a Stage 3 outcome, the complaint should be made in writing to the Head of Governance and Compliance , via the school office within 10 school days requesting a Complaints Appeal Panel Meeting (CAP) – a meeting with members of the governing board's complaints committee, which will be formed of three, impartial governors (This panel may be made up of governors from other schools in the Trust or Trustees to ensure impartiality. This is the final stage of the complaints procedure.

- Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept, and a copy of any written response added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.

The Head of Governance and Compliance will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The acknowledgment will advise the Complainant that three members of the School's Governing Board (which may include or comprise of Governors from other schools within the Stowe Valley Multi Academy Trust or Trustees) should hear the complaint within 20 school days of receipt of the request.

**Stage 4 – Complaint Appeal Panel**

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

If it is not possible to convene the meeting within 20 school days, the Clerk will provide an anticipated date and keep the complainant informed.

The letter will invite the Complainant to attend and explain that they have the right to submit any further documentation relevant to the complaint. The Complainant may bring a friend or someone else for support.

Generally, we do not encourage either party to bring legal representatives to the CAP meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and /or legal representation.

Representatives from the media are not permitted to attend.

The Head of Governance will enclose a copy of this Complaint Procedure with the acknowledgement.

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

The Head of Governance will arrange for the convening of a CAP comprising of:

- Three members of the governing board or governors from other schools in the Stowe Valley Multi Academy Trust or Trustees

Three people are appointed on behalf of the Academy by the Head of Governance and Compliance. Two members may (but do not have to) be Governors. The third member will be independent of the management and running of the Academy, i.e. they will not be a member of staff or a Governor and will not be linked to the Academy in another way, for example as a parent of a student at the Academy. The independent Complaint Panel member will be the Chair of the Complaint Panel.

If the whole governing board is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel – complainants should provide evidence to support their request. Whilst the final decision regarding such a request rests with the governing board, it should be granted where the appearance of bias is enough to taint any decision reached.

To appoint a governor from another school onto an independent complaints appeal panel, the governing board does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003. ***However*** as this academy has a Joint Hearings Panel agreement in place with other schools these governors may be appointed onto the CAP.

Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitability skilled and who can demonstrate their independence will be sourced.

Governors from academies within the MAT may be asked to serve on a Complaints Appeal Panel.

If the attendance of any child / young person / student / pupil is required at the hearing, parental permission will be sought if they are under the age of 18.

A child / young person / student / pupil has the right to be accompanied at a Complaints Appeal Panel Meeting and extra care will be taken to consider the vulnerability of children where they are present at a Complaints Appeal Panel.

Where appropriate, the Governance Professional will ask for support from Governor Services at the LA.

At least 10 school days before the meeting, the Governance Professional should:

- confirm and notify all parties 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 CAP will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

- The CAP 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 **Formal Stage 2 – Formal Complaint made to the Head Teacher**

Prior to the hearing, the Head of Governance on behalf of the Chair of Governors will have written to the complainant informing them of how the review will be conducted. The Head Teacher will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The CAP will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Clerk will record the proceedings in the form of minutes. The typed minutes are a summary of the procedure followed and the discussions taking place at the meeting but will not include the deliberations of the panel. Notwithstanding this, full and comprehensive notes of the decision taken by the CAP should be taken. The minutes are the property of the

governing board and the final approved version can be made available upon request, with release subject to the rules set out in the GDPR and the DPA 2018.

The CAP should allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the Head Teacher to explain the reasons for their decision.
- The complainant to question the Head Teacher, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
- Members of the CAP to question both the complainant and the Head Teacher.
- Final statements to be made by both parties involved.

The CAP will consider the complaint and all the evidence presented, they 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 CAP will:

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

The Chair of the CAP will provide the complainant and the school within the trust with a written response explaining the panel's findings and recommendations within 5 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

Where relevant, the person complained about will receive an approved summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

If it is not possible to meet this timeline then the Head of Governance and Compliance of the Panel will contact both parties to discuss a mutually convenient date. *Further information on how the Panel operates and the process it follows is attached as Appendix 8.*

**Final stage – Appeal**

If a complainant has exhausted the this academies complaints procedure, they will be advised that they can submit a complaint to the ESFA using the online form or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

## 6. Roles and responsibilities

6.1 The **Complainant** (or person who makes the complaint) will receive a more effective response to the complaint if they:

- Co-operate with the school in seeking a solution to the complaint.
- Express the complaint / concern in full at the earliest possible opportunity, including the outcome they are looking for.
- Promptly respond to any requests for information or meetings or agree the details of the complaint / concern.
- 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.

6.2 The Head Teacher

Acting as the complaints co-ordinator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and retained in line with the academy trust's Records Management Policy.
- Liaise with staff members, Chair of Governors, Clerk and LA (if appropriate) to ensure the smooth running of the complaints procedure
- Be aware of issues regarding sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and be aware of any issues concerning this

6.3 The **Investigator** (*the person involved in stages 1 and 2 of the procedure)* will

- Provide a sensitive, open, transparent and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Consider all records, evidence and relevant information provided.
- Interview all staff and children / young people / students / pupils and other people who are involved in the complaint.

- Conduct interviews with an open mind and be prepared to persist in the questioning.

- Analyse all information in a comprehensive and fair manner.

- Liaise with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.

- Keep notes of interviews or arrange for an independent note taker to record minutes of meetings.

- Ensure that any papers produced during the investigation are kept securely pending any appeal.

- Be mindful of timescales and ensure that all parties involved are aware of these timescales.

- Prepare a comprehensive report for the Head Teacher or Complaints Appeal Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

- Respond to the complainant in plain and clear language.

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

6.4 The **Chair of the Complaint Appeal Pane**l will:

- 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

- Ensure 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.

- Ensure that minutes of the hearings are taken on every occasion.

- Explain the remit of the panel to the complainant.

- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.

- Help to put at ease individuals involved who are not used to speaking at such hearings, particularly any pupils involved.

- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.

- Ensure that the layout of the room and setting is informal and non-adversarial, yet still sets the appropriate tone.

- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.

- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.

- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.

- Organise a short adjournment of the hearing if required.

- Continuously liaise with the Clerk and complaints co-ordinator to ensure the procedure runs smoothly.

- Help to provide the support necessary where the complainant is a child.

6.5 All **Complaint Appeal Panel Members** will remember that:

- The review panel hearing is independent and impartial.

- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.

- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.

- The aim of the meeting (which will be held in private) will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his / her complaint has been taken seriously.

The Complaint Appeal Panel can:

- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the school can make to prevent reoccurrence of the problem.

Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel members should respect the views of the child / young person / student / pupil and give them equal consideration to those of adults.

If the child / young person's / student's / pupil's parent / carer is the complainant, the panel members should give the parent / carer the opportunity to say which parts of the meeting, if any, the child / young person / student / pupil needs to attend.

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

The welfare of the child / young person / student / pupil is paramount.

6.6 The **Panel Clerk** will be the contact point for the complainant and the Complaints Appeal Panel (CAP) members. He / she will circulate the relevant papers and evidence before the CAP meeting and will:

- Provide procedural advice and guidance.
- Continuously liaise with the complaints co-ordinator.
- Record the proceedings.
- Provide administrative support for the meeting, including convening it.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Produce a record of the Complaints Appeal Panel Meeting.

Act in accordance with the policy and procedure

**Interviewing witnesses**

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another independent member of staff. In the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents / carers.

The school will ensure that the conduct of interviews does not prejudice an LA designated officer's (LADO), or police investigation.

The school understands the importance of ensuring the availability of a friendly and relaxed area which is free from intimidation.

All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

**Recording a complaint**

A written record shall be kept of any complaint made, whether made via phone, in person or in writing detailing:

- The main issues raised the findings and any recommendations.

- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the school premises by the Head Teacher and proprietor.

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

Where the school allows complainants to record meetings, the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses

- The impact and consequences on the individuals involved in the complaint if recordings are lost or leaked

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them to respond to any independent investigation.

Complainants are likely to have a right to access copies of these records under data protection legislation.

The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

**Anonymous complaints**

The academy trust will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

**Duplicate complaints**

There may be some cases where, at the end of the complaints procedure, the school receives a duplicate complaint on the same subject from a complainant's spouse, partner, grandparent or child.

The 'new' complaint will be assessed to establish whether there are new aspects to it that may not have been previously considered, or if there is any new information to consider. Any new elements of a complaint will be investigated and dealt with in line with the complaints procedure.

If the academy trust are satisfied that there are no new aspects, the new complainant will be advised to contact the DfE if they are dissatisfied with the handling of the original complaint.

**Unreasonable and / or persistent complaints**

Most complaints raised will be valid, and therefore the school will follow the procedure outlined to deal with them. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it has already been resolved by following the school's complaints procedure;
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- Knowingly provides false information;
- Insists on pursuing a complaint that is unfounded, or out of the scope of the complaints procedure;
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with the complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out:
- Changes the basis of the complaint as the investigation goes on;
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school times; or
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

***Steps this academy trust will take:***

This academy trust will take every reasonable step to address the complainant's concerns and give a clear statement of our position and their options. We will follow our complaints procedure wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communication strategies in place. We may:

- Give the complainant a single point of contact via an email address;
- Limit the number of times the complainant can make contact, such as a fixed number per term;
- Ask the complainant to engage a third party on their behalf, such as Citizens Advice; or
- Put any other strategy in place as needed.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

**Stopping responding**

This academy trust may stop responding to the complainant when all the following factors are met:

- We believe we have taken all reasonable steps to help address their concerns;
- We have provided a clear statement of our position and their options; and
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

**Complaint campaigns**

Occasionally, a school may become the focus of a complaint campaign and receive large volumes of complaints. For the purpose of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject.

Depending on the subject in question, the school within the academy trust may deviate from the procedure set out in this policy and would follow DfE recommendations.

Where the school becomes the subject of a complaint campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.

If the school receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

**Barring from school premises**

School premises are private property and therefore any individual can be barred from entering the premises.

If an individual's behaviour is cause for concern, the Head Teacher can ask the individual to leave the premises.

The Head Teacher will complete an Anti-Social Behaviour Record (*Appendix 4*) documenting accurate details.

The Head Teacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and the reasons why, subject to any representations that the individual may wish to make.

**Note**: *For any schools that contact Legal Services regarding this, they will write to the parents on the school's behalf.*

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the chair of governors or a committee of governors, considering any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Head Teacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

**Social Media**

For complaints to be resolved as quickly and fairly as possible, the academy trust requests that complainants do not discuss complaints publicly via social media including, but not limited to, Facebook, WhatsApp and Twitter. Complaints will be dealt with confidentially for those involved, and the school expect complainants to also observe confidentiality.

**Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school within the academy trust is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the academy trust's safeguarding policy which can be found on the individual school's website.

**Parental responsibility**

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools.

Understanding and dealing with issues relating to parental responsibility contains specific advice about how to approach issues concerning parental responsibility. This academy will adhere to this advice as well as following this policy.

**Complaints that Result in Staff Capability or Disciplinary**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Head Teacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

**Complaints about the Governors**

For Complaints against any member of the Governing Board Appendix 7 should be followed.

**Time Scales**

For a school within the academy trust to be able to investigate a complaint, the initial concern needs to be raised within 3 months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. If a concern / complaint relates to an incident older than this it will not be investigated or discussed further, other than in exceptional circumstances which would be entirely at the discretion of the Head Teacher.

What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head Teacher will review the situation and decide whether to enact the Complaints Procedure, informing the chair of governors of the decision.

**Complaints about our fulfilment of the Early Years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainants of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.

Parents / carers can notify Ofsted if they believe that the school is not meeting the Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#org-contacts.

**Timeframe for Formal Complaints**

This academy will endeavour to abide by the timeframes stated but acknowledges that, in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.
*All timescales refer to school working days, i.e. excluding weekends, school holidays etc.*

**Complaints Received Outside of Term Time**

Stowe Valley Multi Academy Trust will consider complaints made outside of term time to have been received on the first school day after the holiday period.

**Withdrawal of a Complaint**

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

**Record keeping and Confidentiality**

The school within the academy trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and telephone calls.

The records will be treated as confidential and held securely on the school's ICT system and will be viewed only by those investigating the complaint or participating in the CAP.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through data protection or other legislation, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy / record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board, in case a Complaint Appeal Panel needs to be convened at a later point.

**The Role of the Local Authority (LA)**

There is no further right of appeal to the Local Authority.

In responding to complaints about schools the LA will explain to the complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- the appropriate procedures for their complaint and refer them to the Head Teacher, Chair of Governors or Governance Professional as appropriate

**Transferring data**

The school within the academy trust will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained in circumstances in which the pupil (and therefore their educational record) transfers to a new school.

Information that schools within the academy trust retain relating to a complaint will be stored securely and in line with the school's Records Management Policy.

**Availability and Publishing our policy**

A copy of this policy will be made available on request. It will also be published on the school website, as recommended by the ESFA.

**Reviewing and Monitoring Arrangements**

The Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Head of Governance and Compliance will track the number and nature of complaints, and review underlying issues as stated above.

The Governing Board will review any underlying issues raised by complaints with the Head Teacher, where appropriate and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practices to help prevent similar events in the future.

The complaints procedure will be reviewed every 2 years, considering the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the Trust Board.
Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

**Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Behaviour Policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

# Serial and Unreasonable Complainants Policy

Adopted by Trustees:
Next Review Date:July 2026
Person responsible for overseeing the implementation: CEO

Chair of Trustees signature:

## Introduction

This policy should be read and applied alongside the academy trust's **Complaints Policy** document and relates to the management of the very small number of unreasonable and unreasonably persistent complainants the school may encounter. This academy does not have unlimited resources of staff time and the aim of this policy is to apply a reasonable limit to the amount of time staff commit to such complainants whilst ensuring the school still behaves in a reasonable manner towards them.

This academy welcomes feedback from parents/carers and will always try to resolve any concerns as quickly as possible, using the academy trust's **Complaints Policy** as necessary. Sometimes however, complainants treat staff and others in a way that is unacceptable and/or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept disrespectful, threatening, inappropriate or harassing behaviour. The aim of this policy is to clarify the process for dealing with unreasonable complainants who act inappropriately.

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

The academy trust defines serial and unreasonable behaviour as that which hinders the consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance

- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved

- refuses to accept that certain issues are not within the scope of the complaints procedure

- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice

- introduces trivial or irrelevant information which the Complainant expects to be considered and commented on, raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced

- changes the basis of the complaint as the investigation proceeds

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education

- seeks an unrealistic outcome

- pursues complaints in a manner which causes ongoing distress to school staff or others

- aggressively pursues complaints in any manner not appropriate to an effective resolution

- deliberately targets one or more members of school staff over a significant period of time

- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

**What is 'harassment'?**

- We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

**A complainant will be acting unreasonably under the terms of this policy if their behaviour demonstrates one or more of the above traits**.

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

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable'* marking.

If the behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact this academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include banning an individual from this academy's premises.

# Complainants who behave in an unacceptable way & Barring from the School Premises

Adopted by Trustees:
Next Review Date: July 2026
Person responsible for overseeing the implementation: CEO

Chair of Trustees signature:

## Introduction

Schools are private places even though they serve a public function. Parents of pupils who are on the school roll have an implied license to enter school premises. This means parents of enrolled pupils can have access to school premises at certain stated times, for example, a playground at the beginning and end of the school day. The school can set out the conditions and terms of this licence.

This implied license may extend to additional facilities secured by the schools for recreation, physical and social training.

Schools will act to ensure they remain a safe place for students, staff and other members of their community and therefore the school has the power to withdraw the license if a parent is using abusive or insulting language that presents a risk to staff or pupils. It is enough for staff to feel threatened by this behaviour.

## 1. Managing inappropriate behaviour

1.1 If a parent is behaving inappropriately, a report will be made to the Head Teacher or the most senior member of staff available in their absence, who will decide on the most appropriate course of action.

1.2 Parents are advised to raise concerns regarding another parent's behaviour or conduct directly with teacher/ tutor/ Head of Year/ Pastoral Lead and not to approach the parent themselves.

1.3 Instances of parents displaying inappropriate behaviour will be managed in a variety of ways, depending on the severity of the situation.

1.4 When a parent has behaved inappropriately, they will be warned about their behaviour, either in writing or in a minuted meeting.

1.5 Where this is not enough to resolve the issue, the Head Teacher, in collaboration with other staff and relevant agencies, will consider what further action may be required. This action, depending on the situation, could include the following:

- Barring the parent from the school premises
- Contacting the police
- Seeking legal redress through the courts
- Restricting the parent's channels of communication to the school, e.g. no longer allowing the parent to send emails to a staff member directly
- Reporting content the parent has posted online to the website's admin
- Referring the case to children's social care, where the behaviour indicates that the parent poses a risk to children

1.6 Any child protection and safeguarding concerns will be addressed in accordance with the academy trust's Child Protection and Safeguarding Policy.

1.7 The school reserves the right to escort anyone off the premises who is displaying aggressive or disruptive behaviour and to bar a parent from the school's premises without warning in exceptional circumstances.

1.8 Under section 547 of the Education Act 1996, it is an offence for any person to cause a nuisance or disturbance on school premises, and the police may be contacted to provide advice on managing an incident or to assist in the removal of individuals from the premises, where necessary.

1.9 The police will be contacted where a parent is being violent or has committed assault, or where the event has caused harm to an individual.

1.10 If a parent has been barred from the premises or has exceeded their implied access to the premises and is causing a disturbance, the police will be contacted to remove the individual from the premises.

1.11 If concerns are raised in relation to a parent's appearance or dress, personal factors will be taken into consideration, on a case-by-case basis, when addressing the concern.

1.12 If a parent persistently displays unacceptable and inappropriate behaviour, this may result in them being barred from the school premises.

## 2. Barring from the school premises

2.1 The school has the right to bar a parent from the premises to keep the school community safe.

2.2 If a parent is displaying inappropriate or concerning behaviour, they will be asked to leave the school premises and an Anti-Social Behaviour Record form (*Appendix 4*) will be completed.

2.3 Behaviour that could result in a parent being asked to leave the premises includes aggressive, abusive or insulting behaviour or language that is a risk to staff or pupils, or behaviour that is making staff or pupils feel threatened.

2.4 If a parent persistently or consistently behaves inappropriately on the school site, or there is a one-off incident of extremely inappropriate behaviour, the school reserves the right to bar this individual from the school site.

2.5 The school will bar the parent temporarily, until the parent has had the opportunity to present their comments and any relevant evidence

2.6 The Head Teacher / legal advisors will send a letter to the parent, informing them of the following information:

- Why they have been temporarily barred or face a bar

- The nature of the bar, i.e. if they are temporarily barred pending their representation or if they must present their side before the decision to bar can be made
- That they have the right to formally express their views on the decision to bar in writing to the chair of governors within 10 school days

2.7 The Head Teacher's decision to bar the parent will be reviewed by a committee of governors.

2.8 The committee of governors will take account of any representations made by the parent and decide whether to confirm or lift the bar.

2.9 The parent will be notified in writing of the decision to uphold or lift the bar.

2.10 If the decision is confirmed, the parent will be notified in writing, explaining:

- How long the bar will be in place.
- When the decision will be reviewed.

2.11 Decisions to bar will be reviewed at the end of the agreed timescale, in line with the process outlined above.

2.12 Following a review, the bar may be lifted or, if there are grounds for continued concern regarding the parent's conduct, it may be extended.

2.13 Once the appeal process has been completed, parents that remain barred may be able to apply to the Civil Courts. If a parent wishes to exercise this option, they should seek independent legal advice.

**Calling for police assistance**

In an emergency, police assistance should be sought. In cases where a ban is in place but is ignored and the person comes onto the school site, the police should be notified immediately. (Staff will need to be aware of the ban and have agreed procedures in place should the person come onto the school site).

In situations where there is no immediate threat to staff, pupils, other members of the school community or the school's property, Head Teachers may still wish to make their local Community Police Officer (e.g. safer neighbourhood team) aware of the situation.

The police could consider warning the offender of formal action, which may include legal proceedings.

**Legal proceedings**

Where individuals persist in coming onto the school site even when permission to do so has been withdrawn, it is possible for legal proceedings to be pursued. The options include:

**Prosecution under section 547 of the Education Act 1996**

This requires substantial evidence to be gathered and presented by the police and/or local authority. Clearly it is not a quick process, and whilst in most cases the threat may prove to be a sufficient deterrent, prosecution can only be seen as the last resort as a punitive measure.

**Appropriate / Acceptable behaviour contracts**

These are voluntary agreements made between people involved in anti-social behaviour, and the school concerned. They are flexible in terms of content and format and can be an effective means of encouraging young adults, children and parents to take responsibility for unacceptable behaviour. The person named does not always agree with the contract, but it can be used as evidence at a later stage for an application for an anti-social behaviour order. Conditions can be put on the contract, e.g. not to enter school grounds.

**Community Protection Notice (CPN)**

A CPN is a quick response tool, used to tackle a range of behaviours, ranging from low level nuisance to serious acts of anti-social behaviour. Breaching the order is a Criminal Offence which can lead to a fine or other legal remedial action, such as seizure or forfeiture orders.

**Civil Injunction**

These are sought in the same manner as *'the old'* ANTI-SOCIAL BEHAVIOUR INJUNCTIONS or ANTI-SOCIAL BEHAVIOUR ORDERS however, the legal burden of proof is much lower than previously expected by the Courts. A Civil Injunction can be sought against anyone from the age of 10 upwards. The Order can include both prohibitive and positive measures as a means to control Anti-Social Behaviour. Breaching a Civil Injunction is not a criminal offence but can lead to stronger legal measures being considered.

**Criminal Behaviour Orders (CBO's)**

A Criminal Behaviour Order must be sought at Court via the Crown Prosecution Service. As such, it is a power mainly used by the Police. Additionally, the CBO can contain conditions and prohibitions that do not relate to the offence which resulted in Court action (i.e. the perpetrator might have been arrested for robbery in the Town Centre, but his/her CBO can relate to not playing loud music in his home).

CBO application must be lodged before sentencing at Court. As with a Civil Injunction, the Criminal Behaviour Order can include both prohibitive and positive measures as a way of controlling Anti-Social Behaviour.

Breach of the order is a criminal offence.

**Restraining orders (Protection from Harassment Act 1997)**

Section 2 of the Protection from Harassment Act 1997 provides for criminal or civil Prosecution for cases where someone causes alarm or distress to another person on more than two occasions. Section four provides for criminal or civil prosecution where people have been put in fear of violence on at least two occasions. In each case the sanctions include both criminal penalties (fines, imprisonment or community sentences) and a restraining order. These orders are generally quicker and easier to obtain but are part of a criminal conviction.

**Prosecution for criminal damage/assault**

Prosecutions for causing deliberate damage or injury may occasionally be the most appropriate course of action. If the police are called, the option to make criminal allegations is readily available, and they may arrest suspected offenders there and then.

Official allegations should only be made if there is no intention of later withdrawing the complaint. Criminal proceedings can be initiated at a later date. All possible steps should be taken to prevent the loss of evidence. Witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.

**Seeking further advice**

Legal advice is available for schools via Warwickshire Legal Services, and individual cases should always be discussed with Legal Services to decide the most appropriate response.

Whilst the emphasis will usually be on ensuring the safety and security of persons and property the injunction route is likely to be the most effective deterrent legal action, it does not however necessarily guarantee against the behaviour of the more persistent offender.

**Record keeping**

There should be clear and detailed records* of all events which must be kept up to date. Any witness statements (where appropriate) and contemporaneous notes of any subsequent meetings held to discuss the events should also be retained. Notes should be signed and dated. There is often a tendency to use generic language e.g. “he was threatening and abusive.” Reporting must be precise e.g. “he pointed his finger at my face from a distance of two feet and shouted that he was “going to f…ing kill me.” Words used and body actions / demeanour / voice volume and pitch should all be included

If there is recorded information, such as CCTV, this should be retained, and witnesses should be asked to make a record of exactly what they saw and heard at the earliest opportunity.

It is also advisable to ensure that in every case, even where a formal letter is not required parents receive a written confirmation of the events and the Head Teacher’s response.

If the police are asked to deal with an incident as a criminal investigation, there are a number of actions that may hinder this process. Witness details should not be made known to suspected offenders or their families. Groups of witnesses or suspects should not be left together, or allowed to discuss what happened, before the police interview them.

If in doubt always seek the advice of the police officer first.

## APPENDICES CONTENTS

Appendix 1 - Complaints Process from Start to Finish

Appendix 2 - Complaint Form

**Appendix 1 - Complaints Process from Start to Finish**

## Complaint Process from Start to Finish

| Concern or Complaint Received |
|---|

| Stage 1 – INFORMAL STAGE | |
|---|---|
| **ACTION** | |
| Informal discussion with the class / form / subject / pastoral teacher or other relevant member of staff, usually resulting in the resolution of the issue.<br><br>**If the complaint is about the Head Teacher or CEO– proceed to Stage 2*** | Within 7 school days, the complainant is informed of the action to be taken to resolve the issue.<br><br>If they are not satisfied with the outcome a copy of the school's complaint procedure will be given together with information on how to proceed to Stage 2.<br><br>If the Head Teacher has addressed the complaint at this stage, then the matter should progress to Stage 3. |

| FORMAL STAGE<br>Stage 2 – COMPLAINT HEARD BY HEAD TEACHER | |
|---|---|
| The complaint is submitted to the Head Teacher(within 10 school days) | Within 5 school days the Head Teacher will acknowledge receipt of the complaint and after investigation will provide a full written response to the complainant within 15 school days.<br><br>If the complaint is not resolved at the stage, information us given on how to progress the complaint to Stage 3. |

| Stage 2* - COMPLAINT HEARD BY CHAIR OF GOVERNORS/CHAIR OF TRUST BOARD<br>(if the complaint is about the Head Teacher/CEO) | |
|---|---|
| A written complaint is sent to the Chair of Governors (ref: Headteacher) | The Chair of Governors acknowledges receipt and provides a full written response within 15 school days.<br><br>If the complaint is not resolved at the |

| | |
|---|---|
| A written complaint is sent to the Chair of the Trust Board (ref: CEO) | stage, information is given on how to progress the complaint to Stage 4.<br><br>The Chair of Trust Board acknowledges receipt and provides a full written response within 15 school days.<br><br>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 4. |

| **Stage 3 – INVESTIGATION BY THE CHAIR OF GOVERNORS** | |
|---|---|
| Complainant writes to the Chair of Governors within 10 school days of receiving the response confirming they remain dissatisfied and requesting further investigation of their complaint. | The Chair acknowledges receipt and provides a full written response within 20 school days.<br><br>If the complaint is not resolved at the stage, information us given on how to progress the complaint to Stage 4. |
| **Stage 4 – COMPLAINTS APPEAL PANEL (CAP)** | |
| Complainant writes to the Head of Governance and Compliance within 10 school days of receiving the response, requesting an appeal to be heard by a Complaints Appeal Panel. Also applies to a complaint regarding the Headteacher.<br><br>If the complaint refers to the CEO, the Complainant writes to the Head of Governance within 10 school days of receiving the response, requesting an appeal to be heard by a Complaints Appeal Panel. | The Head of Governance will acknowledge receipt of the complaint within 3 school days and will arrange for a CAP to meet within 20 school days.<br><br>Once the CAP meeting has taken place, the Head of Governance will inform the Complainant of the outcome within 5 school days.<br><br>The Head of Governance will acknowledge receipt of the complaint within 3 school days and will arrange for a CAP to meet within 20 school days.<br><br>Once the CAP meeting has taken place, the Head of Governance will inform the Complainant of the outcome within 5 school days. |

| **Final Stage - APPEAL** | |
|---|---|
| If the Complainant remains dissatisfied with the outcome, they have the right to refer their complaint to the Secretary of State. | The Secretary of State may intervene if a Governing Board/Trust Board has acted unlawfully or unreasonably. |

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**NB:** *Every effort will be made to meet the timescales stated but if it is not possible to meet them at **any** stage of the process the complainant will be contacted with an explanation and a revised date.*

**Appendix 2- Complaint Form**

Please complete and return to the Clerk to the Governors of <school name> who will acknowledge receipt and explain what action will be taken.

| |
|---|
| **Your name**: |
| **Pupil's name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:**<br><br>**Postcode:**<br><br>**Day time telephone number:**<br><br>**Evening telephone number:** |
| **Please give details of your complaint** |
| **What action has been taken so far (including staff member who has dealt with it) or solutions offered:** |
| **What actions do you feel might resolve the problem at this stage?**<br>**What outcome are you expecting?** |

| |
|---|
| |
| **Are you attaching any paperwork? If so, please give details.** |
| **Signature:**<br><br>**Date:** |
| |
| *Official use* |
| *Date acknowledgement sent:* |
| *By who:* |
| *Complaint referred to:* |
| *Date:* |