



# Complaints Policy and Procedure 2019

The Richard Huish Trust

RHT Executive



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# Contents

## Complaints Policy and Procedure

	Page
1. Introduction	3
2. Statement of Purpose	3
3. Areas Excluded from this Procedure	3
4. Summary of the Complaint Procedure	4
5. Stage One: Dealing with Concerns/Complaints Informally	5
6. Stage Two: Dealing with the Complaint Formally by Written Notice to the Headteacher /Senior Staff Member	6
7. Stage Three: Referral to the Chair of the Local Governing Body	7
8. Stage Four: Reference to the Complaints Review Panel	8
9. Further Recourse	11
10. Duplicate Complaints	11
11. Complaints Campaigns	11
12. Vexatious and/or Repeated Complaints	12
13. Anonymous Complaints	12
14. Support for Employees who have been the subject of a Complaint	12
15. Learning Lessons	12
16. Monitoring Arrangements	12

## Appendices

1. Complainant Code of Conduct	13
2. Complaint Form	15
3. Vexatious or Spurious Complaint – Example Letter	17
4. Sample Agenda for a Complaints Review Panel	18
5. Policy for Unreasonable Complaints (to include communication plan for persistent correspondents)	19

## 1. Introduction

- 1.1 The Richard Huish Trust (the Trust) is established by Richard Huish College to provide governance and oversight to those academies that are part of the Trust. These include:
- i. The Taunton Academy,
  - ii. West Buckland Primary
  - iii. North Curry CofE Primary
  - iv. Nerrols Primary and Nursery
  - v. North Town Primary

## 2. Statement of purpose

- 2.1 Each academy in the Richard Huish Trust welcomes feedback, both positive and negative, about how it is doing. Where someone has a concern or complaint each academy will endeavour at all times to deal with the issues responsively and reasonably and if necessary put things right as quickly as possible.
- 2.2 When responding to complaints, we aim to:
- be impartial and non-adversarial;
  - facilitate a full and fair investigation by an independent person or panel, where necessary;
  - address all the points at issue and provide an effective and prompt response;
  - respect complainants' desire for confidentiality;
  - treat complainants with respect;
  - keep complainants informed of the progress of the complaints process; and
  - consider how the complaint can feed into academy improvement evaluation processes.
- 2.3 We will try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The academy will aim to give the complainant the opportunity to complete the complaints procedure in full.
- To support this, we will ensure we publicise the existence of this policy and make it available on the academy website.
- 2.4 All complaints will be treated confidentially with written up to date records being securely retained. A written record will be kept of all complaints made, together with details of whether they were resolved following the formal procedure or progressed to a panel hearing.
- 2.5 The academy will record all the action it takes as a result of the complaints, regardless of whether they are upheld.
- 2.6 All correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 3. Areas Excluded From This Procedure

- 3.1 This Policy and Procedure will be relied upon for all complaints (including those made by persons who are not parents of attending students) made against an academy except with regard to:
- i. child protection allegations, where the Child Protection Policy applies;
  - ii. exclusions, where the Department for Education (DfE) statutory guidance on Exclusions from Maintained Schools, Academies and Pupil Referral Units in England, (<https://www.gov.uk/government/publications/school-exclusion>) applies;
  - iii. admissions to an Academy, where the Admissions Appeal Procedure applies;

- iv. complaint by a member of staff, where the Grievance or Disciplinary Policies apply;
- v. a qualifying disclosure, where the Whistleblowing Policy applies;
- vi. curriculum – where complaints about the content of the national curriculum should be sent to the DfE.
- vii. Collective worship – where complaints should be directed to the LA, the local Standing Advisory Council on Religious Education, the Bath and Wells Diocese or other relevant body.

3.2 Each of the above policies can be provided by contacting the relevant academy directly or accessing the relevant policy through an academy or the Trust’s website.

#### 4. Summary of The Complaints Procedure

INFORMAL PROCEDURE STAGE		ACTION REQUIRED	
Stage 1a	Informal discussion with the <b>class teacher</b> or other relevant <b>member of staff</b> usually resulting in resolution of the issue.	<p>The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the Trust’s Complaints Policy, information of how to proceed to stage 2 of the process and a copy of the Complainant Code of Conduct (<b>see Appendix 1</b>).</p> <p>The complaint will be acknowledged within 5 school days and responded to within 15 school days.</p>	
Stage 1b	Informal discussion with the <b>Headteacher</b> or other member of <b>senior staff</b> usually resulting in resolution of the issue	If the complaint cannot be resolved informally, it will become a formal complaint.	
FORMAL PROCEDURE STAGE		ACTION REQUIRED	
Stage 2	The complaint is submitted, normally in writing (see <b>Annex 2</b> for Complaints Form), to the <b>Headteacher</b>	<p>The headteacher acknowledges receipt within 5 school days, and an investigation into the complaint is conducted by the headteacher. If the complaint is against the headteacher (or a decision made by the headteacher) the complaint is escalated to Stage 3. In the absence of extenuating circumstances, the investigator provides a written response to the complainant within 20 school days, including the findings of the investigation and the reasons for those findings. Information is provided on how to progress the complaint to stage 3.</p> <p>Complaints against academy staff are dealt with by the headteacher at the formal procedure stage 2, then by a committee of members of the governing body at stage 3.</p>	
Stage 3	The complaint is referred to the <b>local governing body (LGB) chair or nominee for investigation</b> . The investigator will look at whether actions were fair, reasonable and consistent. He/she is able to make recommendations to the academy relating to the issue complained about.	<p>The chair of the LGB acknowledges receipt (usually received within 10 school days of the complainant receiving the investigators response at Stage 2) and an investigation into the complaint is conducted by the chair of the LGB or nominee.</p>	<p>If the complaint is against the headteacher the investigation is conducted by the chair/or a suitably skilled member of the governing body.</p> <p>Complaints against the chair of governors or any individual governors are made to the clerk. The clerk will arrange for the complaint to be heard by a suitably skilled and impartial member of the governing body (stage 3) and if unresolved a committee of members of the governing body (stage 4).</p>

			<p>The complainant is given a written response of the outcome of the investigation within 10 school days and information is provided on how to progress to stage 4.</p> <p>If the complaint is against the entire LGB the Central Service &amp; Compliance Manager will conduct an investigation (an independent investigator) and information is provided on how to progress to stage 4 where 3 RHT Directors will hear the complaint.</p>
Stage 4	<p>Complainant writes to the Clerk to the <b>LGB Complaints Review Panel</b> (and copied to the Trust CS &amp; Compliance Manager) requesting that the complaint is heard by the Complaints Review Panel (three people not involved in the complaint) one of whom is independent of the management and running of the academy.</p> <p>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.</p>	<p>Clerk arranges for the Complaints Review Panel to meet between 12 and 20 school days from receipt of letter and informs complainant of findings within 5 school days of hearing. Information is provided on how to contact the Education Funding Agency if required.</p>	<p>If the complaint is against the headteacher and is unresolved after being dealt with by a member of the governing body, it will be dealt with by a committee of LGB governors.</p> <p>If the complaint is against the LGB Chair and remains unresolved it will be dealt with by a committee of LGB governors.</p> <p>If the complaint is against the entire LGB and remains unresolved it will be dealt with by three RHT directors (trustees).</p>
Stage 5	<p>Complainant writes to the <b>Education &amp; Skills Funding Agency</b>, via the academy's complaint form at <a href="http://www.gov.uk/complain-about-school">www.gov.uk/complain-about-school</a></p>	<p>The Education &amp; Skills Funding Agency may intervene if</p> <ul style="list-style-type: none"> <li>• there was an undue delay or the academy did not comply with its Complaints Policy,</li> <li>• the academy/Trust is not following the terms of its funding agreement,</li> <li>• the academy/Trust has failed to comply with any other legal obligation.</li> </ul>	

## 5. Stage 1: Dealing With Concerns and Complaints Informally

- 5.1 All informal concerns made to the academy will be taken seriously. The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, subject leader, mentor, pastoral leader, senior leader, other member of staff or the headteacher, depending on who the parent first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned. In some instances, the complainant may also welcome the opportunity for an informal discussion with the headteacher or other senior member of staff. If the complaint concerns the headteacher then the informal discussion will be held with the chair of the local governing body. Where a complaint is against the chair of the local governing body or any member of the governing body it should be made in writing to the clerk to the local governing body in the first instance.

- 5.2 Although this stage involves dealing with the issue informally it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.
- 5.3 The complainant should raise the complaint as soon as possible with the relevant member of staff either in person or by letter or email.
- 5.4 The person who the complainant reports the complaint to will acknowledge the complaint within 5 school days. An investigation shall be carried out and a response will be given within 15 school days from the date of the acknowledgement. The complainant should be informed of any action to be taken to resolve the issue or if the complaint is not upheld. It may be helpful to confirm undertakings given about future action or monitoring in writing.
- 5.5 If the person is dissatisfied with the response they have been given at this stage, they should be provided with a copy of the Trust's Complaints Policy and the Trust's Complainant Code of Conduct and informed about how to take their complaint to Stage 2, by referring it to the headteacher usually in writing (**see Annex 2 – Complaints Form**)

## **6. Stage 2: Dealing With The Complaint Formally By Written Notice to the Headteacher or Another Senior Staff Member**

- 6.1 The issue is referred to the headteacher for investigation, usually by the complainant writing to the headteacher (**see Annex 2 – Complaints Form**). This should include information about why they are complaining, and what they want to happen as a result of their complaint. Where there is:
  - 6.1.1 an unresolved concern under Stage 1, or
  - 6.1.2 a complaint which needs investigation, or
  - 6.1.3 a more serious dissatisfaction with some aspect of the academy's policies, procedures, management or administration.
- 6.2 The complaint should be set out in writing (using **Annex 2 - Complaints Form**) with full details, including dates and names, and sent with all relevant documents and full contact details for the attention of the headteacher. The complainant should state in the letter what they feel would resolve their complaint. Should a formal written complaint be received by another member of the academy's staff, he or she will immediately pass it to the headteacher.
- 6.3 A complaint should be submitted as soon as possible, but in any event within six weeks of the incident in question. If a complaint is submitted after this date, the complainant will be required to explain why they were not able to submit the complaint within the stated period.
- 6.4 Complaints against academy staff are dealt with by the headteacher at the formal procedure stage 2, and if unresolved will progress to stage 3, a committee of members of the governing body.
- 6.5 It is generally at this stage that it will become clear whether:
  - 6.5.1 it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes which are more appropriate. If the latter is the case, the headteacher will need to inform the complainant of this and the way in which the complaint will be handled;
  - 6.5.2 the headteacher will investigate the complaint;
  - 6.5.3 the concern does constitute a complaint. If the focus of the complaint is unclear, the investigator may ask the complainant to clarify, in writing, why they are complaining, and what they want to happen as a result of their complaint.
- 6.6 Any complaint received under the informal process should be acknowledged within 5 school days of receipt of the complaint with, in the absence of extenuating circumstances, a written response from the investigator within 20 school days of receipt of the complaint. The complainant will also be informed in the initial letter from the investigator that if the complaint is about a named member of staff the complainant should be advised not to contact the

member of staff directly for the duration of the complaint. **The local governing body will be informed of all formal complaints escalating to Stage 2.**

6.7 When a complaint is considered to be vexatious, serial, repetitive or spurious the investigator will write to the complainant explaining why the complaint is not being taken forward and informing that they have the right to refer this decision to the LGB Chair. Examples of what the Trust considers to be vexatious, serial, repetitive or spurious complaints include where:

- 6.7.1 The complainant has not identified any specific incidents or actions about which they wish to complain;
- 6.7.2 The complainant's concerns are presented as conclusions rather than identifying specific incidents or actions about which they wish to complain;
- 6.7.3 The concerns that the complainant identifies relate to historical actions and any evidence which might have enabled an objective investigation of their complaint is no longer available;
- 6.7.4 The substance of the complaint has been addressed under this procedure already;
- 6.7.5 The concerns raised do not fall within the scope of this procedure;
- 6.7.6 The complainant does not identify any potential sources of evidence which might allow the matter to be investigated;
- 6.7.7 The complaints are obsessive, harassing, or repetitive;
- 6.7.8 The complainant is seeking unrealistic or unreasonable outcomes;
- 6.7.9 The complaints are designed to cause disruption and annoyance;
- 6.7.10 The demands for redress lack any serious purpose or value.

(Please see **Annex 3** for an example of the vexatious or spurious complaint letter)

6.8 Assuming that the complaint is not vexatious or spurious an investigation will be held and the complainant should also be given the opportunity to meet with the investigator, accompanied by a relative or friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses carried out in the course of the investigation should be kept by the investigator.

6.9 The letter conveying the findings of the investigator should, in the absence of extenuating circumstances, be provided within 20 school days of the receipt of the complaint and should include the outcome of the investigation accompanied by an explanation of those findings. The complainant should also be informed of the process for referral to Stage 3 of the Complaints Policy. Any such referral should be made within 10 school days after receipt of the investigator's response.

## **7. Stage 3: Referral To The Chair Of The Local Governing Body**

7.1 Where the complainant is dissatisfied with the decision of the headteacher under Stage 2, the issue must be referred in writing to the chair of the local governing body for consideration by the complainant. This should be done within 10 school days of receipt of the headteacher's response.

7.2 The chair of the local governing body will inform the Trust CEO of the stage 3 complaint and will investigate the complaint, seeking advice from the RHT Compliance Manager, or the RHT Director of HR as appropriate. If the complaint is about the headteacher the investigation is conducted by the LGB chair or a suitably skilled independent member of the governing body.

A complaint against the chair of governors or any individual governor is made to the clerk. The clerk will arrange for the complaint to be heard by a suitably skilled and impartial member of the governing body and then if unresolved to a committee of members of the governing body.

If the complaint is against the entire LGB the Central Service and Compliance Manager or another independent investigator will conduct an investigation and if unresolved will be escalated to three RHT Trustees to hear the complaint.

- 7.3 Any complaint received under this process should be acknowledged within five school days of receipt of the complaint with, in the absence of extenuating circumstances, a written response from the investigator within 20 school days of receipt of the complaint. The complainant will also be informed in the initial letter from the investigator that if the complaint is about a named member of staff the complainant should be advised not to contact the member of staff directly for the duration of the complaint process.
- 7.4 In acknowledging any complaint, the investigator may need to explain their powers in the matter in question and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. For example, a parent may be unhappy with their child's class placement. Whilst the investigator can look at whether the decision about the class placement was made in a fair, reasonable and consistent way, they do not have the powers to change the placement. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, when the Investigator is the chair of the LGB, and where it is not within the remit of the investigator to change a decision, they may make a recommendation for the headteacher to consider.
- 7.5 Should the complaint relate to a member of Trust level staff, the actions of the Trust's Board of Trustees or an individual Trustee, the complainant should request a review of their complaint in writing to the Chair of the Board of Trustees, via the Clerk to the Trust (should the complaint be about the Chair of the Board of Trustees, an alternative Trustee should undertake the investigation). The process will follow the same principles described above

## **8. Stage 4: Reference to the Complaints Review Panel**

### 8.1 Overview

- 8.1.1 Complaints only rarely reach this formal level, but the Trust's Board of Trustees (Directors) is committed to supporting a complaints review panel usually convened by the academy's LGB. The complaints review panel should normally be comprised of three members, comprising two LGB members (panel members will have no detailed previous knowledge of the case and will not include a governor who investigated the complaint at Stage 3) and at least one member who is independent of the management and running of the academy. The chair of the local governing body should not be a member of the panel if they have been involved at the previous stage. The panel will usually constitute three members.
- 8.1.2 The aim of the complaints review panel will be reconciliation and to put things right that may have gone wrong, as well as drawing any learning points which may improve trust policies and procedures.

### 8.2 Timescale and documentation

- 8.2.1 Where the clerk to the LGB receives a complaint under these procedures, he or she will arrange for a complaints review panel to meet between 12 and 20 school days from receipt of the letter and to inform the RHT Compliance Manager immediately.
- 8.2.2 The headteacher should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing.
- 8.2.3 On issuing notification of the date and time of the hearing, the clerk will need to advise the complainant and the headteacher that any written documentation they wish the panel to consider will need to be submitted in time to be circulated to panel members five days prior to the hearing. The complainant should be advised that they may be accompanied by a relative or friend. The headteacher (or any staff member who is the subject of the complaint) should be advised that they may be accompanied by a professional support representative such as a senior colleague from another academy in the Trust.

- 8.2.4 The complainant will be given reasonable notice of the date of the review panel, the date of which will be determined by the review panel.
- 8.2.5 Notification of the hearing will also include details of the way in which the hearing will be conducted. The hearing will be minuted and copies of all relevant correspondence and notes will be kept on file by the clerk.
- 8.2.6 The panel can:
- Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part;
  - Decide on the appropriate action to be taken to resolve the complaint:
  - Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.
- 8.2.7 The findings and recommendations of the panel should be notified to the complainant and, where relevant, the person complained about in writing within 5 school days of the hearing. This should include the outcome of the panel accompanied by an explanation of those findings. The findings and recommendations of the panel will be available for inspection on the academy premises by the chair of the LGB and the headteacher. The complainant should also be informed of the opportunity for referral to the Education & Skills Funding Agency if they are not satisfied that the complaint has been dealt with properly according to the Trust's procedure.

### 8.3 Procedure at the Complaints Panel meeting

- 8.3.1. The hearing is as informal as possible. The complainants (including parents) are entitled to bring a friend or relative to accompany them at the hearing. The headteacher (or any staff member who is the subject of the complaint) is entitled to be accompanied by a professional support representative such as a senior colleague from another academy in the Trust. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- 8.3.2 It is within the power of the panel to decide whether to allow those invited to the complaints review panel meeting to attend at the same time, or be invited to present their case separately. If all attendees are invited to attend the meeting at the same time the following meeting structure may be followed<sup>1</sup>:
- The chair of the panel should open the meeting by welcoming all those present and leading the introductions. The chair should then outline the procedure and what the complaints panel's powers are
  - The clerk/chair should outline the order in which the parties will be able to state their case and ask questions. The clerk should also draw attention to the estimated times included in the agenda and that although timings are approximate, the expectation is that they will be adhered to. Please see **Annex 4** for a sample agenda with approximate timings.

The panel should invite the complainant to explain their complaint.

- The headteacher, followed by the panel, may question the complainant.
- The chair should invite the headteacher to explain the academy's actions, followed by the academy witnesses.

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<sup>1</sup> The following meeting structure is a recommendation only. The chair may decide to allow all attendees to be present at the same time, but not allow cross-examination

- The complainant, followed by the panel, may question the headteacher and their witnesses.
- The chair should invite the headteacher to make their final statement.
- The chair should invite the complainant to make their final statement.
- The chair should ask both parties to leave together so that the panel can discuss the case. The chair should inform both parties that they will be notified of the findings and/or recommendations of the panel within five days.
- The complainants panel should make their decision. The clerk should be able to advise on procedural issues or draw from his/her notes if needed, but should take no part in the decision.

8.3.3 If the chair of the panel decides not to allow the attendees to attend the meeting at the same time the following meeting structure may be followed (please see **Annex 5** for a sample agenda):

- The parties attending the meeting should be invited to join the meeting and present their case in the following order: complainant, complainant's witness(es), headteacher, witness(es) from/for the academy.
- When each attendee joins the meeting the chair should lead the introductions of the panel, and explain the procedure and powers of the panel.
- Each attendee should be given the opportunity to present their case and answer questions from the panel. They will then be thanked for their attendance and informed that they will be notified of the finding and/or recommendations of the panel within five days.

#### 8.4 Conduct at meetings

8.4.1 In most cases, each party is helpful, polite and patient, and accepts that it takes time to resolve a dispute. However, the conduct of some participants can make investigating and resolving a complaint difficult, or they may behave in a way that is unacceptable or inappropriate.

8.4.2 The Trust will never tolerate aggressive or intimidating behaviour, violence or abuse towards anyone attending a complaints review panel meeting. This may include behaviour or language (verbal or non-verbal) that may cause individuals to feel afraid, threatened or abused; and it may include threats, personal verbal abuse, derogatory remarks and rudeness.

8.4.3 It is the responsibility of the panel members to monitor the conduct of those attending a panel meeting. If a member of the panel decides that an attendee is exhibiting unacceptable behaviour, in the first instance they will be asked to desist from that behaviour. If this request is ignored they may be asked to leave the meeting.

#### 8.5 The role of the LGB clerk (in exceptional circumstances the Compliance Manager):

- To set up the complaints panel and invite all relevant parties.
- To ask for any written representations and supporting documentation.
- To circulate any representations in advance of the meeting, including a report from Stage 2 of the complaints process and a written account of the complaint from the complainant, if available.
- To take detailed minutes of the meeting as a record of the evidence considered by the complaints panel (these minutes should be available to all parties on request).
- To provide advice to the complaints panel once the other parties have left the room.
- To write to all parties after the meeting with the complaints panel's findings.

## 9. Further Recourse

- 9.1 If the complainant is dissatisfied with the complaint review panel's handling of their complaint, further recourse to other agencies is available to them outside the scope of the Trust's own procedures. However, these agencies would be unable to take any action until the Trust's own procedures had been completed.
- 9.2 Complainants have a right of appeal to the Education & Skills Funding Agency. The Education & Skills Funding Agency will check whether the complaint has been dealt with properly by the Trust.
- It will consider complaints about academies that fall into any of the following three areas:
- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint,
  - where the academy/Trust is in breach of its funding agreement with the Secretary of State, and
  - where an academy/Trust has failed to comply with any other legal obligation.
- 9.3 The Education & Skills Funding Agency will not overturn the Trust's decision about a complaint. However, if it finds that the academy did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the regulations. If the Trust's complaints procedure does not meet the regulations, it will ask the Trust to put this right. It may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## 10. Duplicate Complaints

- 10.1 There may be some cases where at the end of the complaints procedure, the academy receives a duplicate complaint from a complainants spouse, partner, grandparent or child.
- 10.2 Where the complaint is about the same subject, the new complainant will be informed that the academy has already considered that complaint and that the local process has been completed. The new complainant will be advised to contact the DfE if they are dissatisfied with the academy's handling of the original complaint.
- 10.3 The academy will take care not to overlook any new aspects to the complaint that may not have been previously considered. Any new elements of a complaint will be investigated and dealt with in line with the full complaints procedure.

## 11. Complaints Campaigns

For the purposes of this policy, "**complaints campaigns**" are where the academy receives large volumes of complaints that are all based on the same subject from complainants that are not connected to the academy.

Where the academy becomes the subject of a complaints campaign, **a standard, single response will be published on the academy's website.**

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

## 12. Vexatious and/or Repeated Complaints

- 12.1 There may be occasions when, despite exhausting the procedure in this Complaints Policy, the complainant persists in making the same complaint to the academy. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints

about matters which do not affect them. In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the academy's resources to deal with it under the formal stages of the procedure. In all of these cases, the academy reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

- 12.2 Where the academy decides that a complaint is vexatious and/or repeated and will not be investigated, the academy will write to the complainant within 5 school days of the complaint being raised to notify them of the decision.
- 12.3 If the complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the chair of the LGB to ask for the decision to be reviewed. The chair of the LGB will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the academy to the complainant, and will review the decision made. The chair of LGB will write to the complainant with the outcome of the review within 10 school days of the date that the letter from the complainant seeking the review was received.
- 12.4 If the chair of LGB quashes the decision not to investigate the concern or complaint, it will be referred to the academy to be dealt with under the procedure in this Complaints Policy in the usual way.
- 12.5 If the chair of the LGB upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.
- 12.6 In exceptional circumstances, the chair of the LGB can delegate the responsibility for the review to the vice-chair of the LGB.
- 12.7 Appendix 5 sets out the Trust's policy in respect of unreasonable complaints and presents a communication plan for persistent correspondents.

### **13. Anonymous Complaints**

- 13.1 The academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the headteacher who will decide what, if any, action should be taken.

### **14. Support For Employees Who Have Been The Subject Of A Complaint**

- 14.1 In the first instance, staff members who have been subject to a complaint should seek support from their line manager or chair of their academy's LGB. For information on the support and counselling service available to employees of the Trust please contact the Trust's HR Advisor.

### **15. Learning Lessons**

- 15.1 The LGB will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy can make to its procedures or practice to help prevent similar events in the future.

### **16. Monitoring Arrangements**

- 16.1 The LGB will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The LGB will track the number and nature of complaints, and review underlying issues as stated in section 12.

The complaints records are logged and managed by the headteacher.

This policy will be reviewed by the Board of Trustees every three years, taking into account the latest guidance issued by the DfE.

## **Appendix 1 Complainant Code of Conduct**

The headteacher and local governing body (LGB) are fully committed to the improvement of their academy. We welcome feedback from parents/carers and other members of the academy community and will always try to resolve any concerns as quickly as possible. In the first instance please discuss your complaint with your child's class teacher, if appropriate, or the headteacher or a member of the Senior Leadership team.

If you would like to take your complaint further there is a procedure for individuals to use if they wish to make a formal complaint. Please see the academy website or ask at the academy office for a copy of the Richard Huish Trust Complaints Policy.

In our experience, in most cases, complainants are helpful, polite and patient, and they give us time to sort out whatever has happened so that everyone has been listened to and the problem is resolved. The majority of complainants will not need to be reminded to fulfil the academies' expectations to:

- treat all members of the academy community with courtesy and respect;
- respect the needs of pupils/students and staff within the academy;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in academies work and allow the academy a reasonable time to respond to a complaint;
- follow the Trust's complaints procedure.

Sometimes, however, those pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the academy community.

**Threatening or harassing behaviour** may include behaviour or language (verbal, nonverbal or written) that may cause staff to feel afraid, threatened or abused; and it may include threats, personal verbal abuse, derogatory remarks and rudeness, such as behaviour which is:

- out of proportion to the nature of the complaint;
- persistent – even when the complaints procedure has been exhausted;
- personally harassing;
- unjustifiably repetitious;
- pursuing complaints in an unreasonable manner (e.g. using abusive or threatening language);
- making complaints in public or via a social networking site such as Facebook;

### **We will not tolerate behaviour if:**

- it appears to be pursued in a way intended to cause personal distress rather than to seek a resolution;
- it appears to be deliberately targeted at one or more members of academy staff or others, without good cause;
- the way in which a complaint or other issues are pursued (as opposed to the complaint itself) causes undue distress to academy staff or others;
- it has a significant and disproportionate adverse effect on the academy community

**In cases of threatening or harassing behaviour, the academy may take some or all of the following steps, as appropriate:**

- inform the complainant informally that his/her behaviour is now considered by the academy to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the academy considers his/her behaviour to be threatening or harassing;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the academy will respond only to written communication and that these may be required to be channelled through the Trust Central Service and Compliance Manager;
- the academy is advised to call the police if there is a case of threatening or harassing behaviour.

**The Trust will not tolerate any form of physical or verbal aggression against members of the academy community. If there is evidence of any such aggression the academy may:**

- ban the individual from entering the academy site, with immediate effect;
- request an Injunction to Prevent Nuisance and Annoyance (IPNA);
- prosecute under Anti-Harassment legislation;
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

## Appendix 2 Complaint Form

Please complete and return to your academy who will acknowledge receipt and explain what action will be taken.

<b>Name of Academy:</b>	
<b>Your name:</b>	
<b>Pupil / Student's name (if relevant):</b>	
<b>Your relationship with the Pupil/Student (if relevant):</b>	
<b>Your address:</b>	
<b>Email address:</b>	
<b>Telephone number:</b>	Day time:  Evening:
<b>Please give details of your complaint:</b>	

**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?**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

### Appendix 3 Vexatious or spurious complaint example letter

Complainant address

Date

Dear Mr/Mrs/Ms

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the Trust's Complaints Policy because:

*(It will be appropriate to include SOME of the following statements)*

- You have not identified any specific incidents or actions about which you wish to complain.
- Your concerns are presented as conclusions rather than identifying specific incidents or actions about which you wish to complain;
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- Your complaint is considered to be obsessive, harassing, or repetitive.
- The outcomes you are seeking are considered to be unrealistic or unreasonable.
- Your complaints are designed to cause disruption and annoyance.
- The demands for redress lack any serious purpose or value.

If you wish my decision to be reviewed then you may take advantage of the procedure set out in the Trust's formal Complaints Policy, by referring it to the Chief Executive, Richard Huish Trust, Richard Huish College, South Road, Taunton TA1 3DZ. Please find a copy of our Complaints Policy attached to this letter.

Yours sincerely

Headteacher or Chair of Local Governing Body

## Appendix 4

Sample agenda (all attendees present together)

### Complaints Review Panel

Agenda for a meeting of the Complaints Panel of the Richard Huish Trust, to consider the complaints brought by **(Complainant)** against **(academy/member of staff)**, to be held on **(Date)**, starting at **(Time)** at **(Location)**.

#### Participants:

Panel members:

Two Local Governing Body members (not previously involved in Informal or Formal stage complaint)  
An Independent panel member (not involved in the management and running of the academy)

#### Attendees:

Complainant

Legal/Personal Support invited to attend by the Complainant

Headteacher (or senior representative from the academy)

Item	Approximate time
1. Welcome, introductions and explanation of procedures, including possible outcomes <i>(Panel, Complainant, Headteacher, staff member [if applicable] and any attendees supporting the Complainant, Headteacher or staff member present)</i>	10am - 10.10am
2. Opportunity for Complainant to explain the complaint	10.10am - 10.30am
3. The Panel and the Headteacher/staff member may question the Complainant	10.30am – 10.40am
4. Opportunity for the Headteacher/staff member to make a statement	10.45am - 11.05pm
5. The Panel and Complainant may question the Headteacher/staff member	11.05am – 11.15am
6. Witness statement(s), if available (10 minutes to be scheduled for each witness)	11.15am – 11.25am
7. The Panel, Complainant and Headteacher/staff member may question the witness(es) (10 minutes for the panel to question each witness)	11.25am - 11.35am
8. Final statement by the Headteacher/staff member	11.35 – 11.40am
9. Final statement by the Complainant	11.40 – 11.45am
10. Conclusion of meeting (later if more witnesses are present)	11.45am
11. Private meeting of the Complaints Panel	11.45am -

## Appendix 5 Policy for Unreasonable Complaints

1. The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. Normally the contact complainants have with academies is not limited; however, the Trust does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
2. The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints'.
3. A complaint may be regarded as unreasonable when the person making the complaint:-
  - i. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - ii. refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
  - iii. refuses to accept that certain issues are not within the scope of a complaints procedure;
  - iv. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - v. introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
  - vi. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - vii. changes the basis of the complaint as the investigation proceeds;
  - viii. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - ix. refuses to accept the findings of the investigation into that complaint where the academy's complaint procedure has been fully and properly implemented and completed;
  - x. seeks an unrealistic outcome;
  - xi. makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
4. 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:
  - i. maliciously;
  - ii. aggressively;
  - iii. using threats, intimidation or violence;
  - iv. using abusive, offensive or discriminatory language;
  - v. knowing it to be false;
  - vi. using falsified information;
  - vii. publishing unacceptable information in a variety of media such as in social media websites and newspapers.
5. Complainants should limit the numbers of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.
6. Whenever possible, the headteacher will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact an academy causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

7. A decision to stop responding should never be taken lightly. A headteacher should be able to answer “yes” to all of the following points:
  - i. Every reasonable step to address the complainant’s concerns have been taken.
  - ii. The complainant has been given a clear statement of the academy’s position and their options.
  - iii. The complainant makes repeat red contact, making substantially the same points each time.

The case to stop responding is stronger if one or more of the following descriptions has occurred:

- i. The complainant’s letters, emails or telephone calls are often or always abusive or aggressive;
- ii. The complainant makes insulting personal comments about or threats toward staff.
- iii. There is reason to believe that the complainant is contacting the academy with the intention of causing disruption or inconvenience.

A headteacher should not stop responding just because an individual is ‘difficult’ to deal with or asks complex questions

8. Where a decision to enforce a bar on an individual due to poor behaviour has been confirmed, the individual will be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed. The Headteacher’s decision to bar will then be reviewed by either the chair of governors or a committee of governors. The review will take into account the representations made by the individual.
9. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from an academy.

### **Communication Plan for Persistent Correspondents**

1. If an individual’s behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, academies should implement a tailored communication strategy. This may include:
  - i. restricting the individual to a single point of contact via an email address;
  - ii. limiting the number of times they can make contact, such as a fixed number of contacts per term;
  - iii. suggesting that the complainant asks a third party to act on their behalf, such as the local Citizen’s Advice Bureau.
2. Headteachers should note that regardless of the application of any communication strategy, they must provide parents and carers with the information they are entitled to under The Education (Independent School Standards) Regulations 2014, within the statutory time frame.
3. Headteachers need to make sure they act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the academy failing to act reasonably.
4. If an individual persists to the point that may constitute harassment, the headteacher could seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting academies direct.