

HYLTON CASTLE PRIMARY SCHOOL

POLICY FOR DEALING WITH COMPLAINTS

Link governors: Caroline Comer and Julie Clark

Policy written by: Elaine Armstrong

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Introduction

This procedure is based on guidance for dealing with school complaints issued by the Department for Education in 2011.

A full version of the Department for Education's guidance document (School Complaints Procedure 2011) can be found on the DfE website – www.education.gov.uk

1 LEGISLATION

Section 29 of the Education Act 2002 requires every maintained school to establish a procedure for dealing with complaints relating to the school and to publicise the procedure.

Section 39 of the Education Act 2002 defines a maintained school as being a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school (a nursery school which is maintained by a local education authority and is not a special school).

2 GENERAL PRINCIPLES

2.1 Our school adopts a three stage process for dealing with formal complaints. Further details of each stage together with roles and responsibilities of staff involved can be found in Section 3 of this document. The three stages are:

Stage 1 – complaint heard by member of staff

Stage 2 – complaint heard by head teacher

Stage 3 – complaint heard by Governing Bodies complaint appeal panel

2.2 Every effort should be made to resolve a complaint informally in the first instance, without the need to invoke the formal complaints procedure. In most cases this can be achieved by a discussion between the class teacher and the complainant

2.3 Schools should consider nominating a member of staff to be the school's 'complaints co-ordinator'. The complaints co-ordinator will be responsible for the following:

- Acknowledging receipt of the complaint
- Effective recording of all complaints received
- Monitoring responses
- Ensuring responses are made within a reasonable timescale
- Identify trends and themes arising from complaints and report same to school's senior management team

2.4 All schools should have an easily accessible complaints procedure. Any existing procedure should be reviewed to ensure it complies with this guidance. This procedure must:

- Encourage informal resolution
- Be easily accessible, publicised and included on the school web site
- Be simple to understand and use
- Be impartial and non-adversarial
- Allow swift handling and establish timescales for dealing with the complaint
- Ensure a full and fair investigation by an independent person if necessary
- Maintain confidentiality of all involved
- Address all points of complaint, provide an effective response and offer appropriate redress where appropriate
- Provide information to the school's senior management team so that services can be improved

Investigating Complaints

2.5 The person investigating the complaint should ensure they:

- Establish what has happened to date and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them to verify information provided or gain further information
- Clarify what the complainant feels would resolve issues – establish desired outcomes
- Interview those subject of, and involved in, the complaint (interviewees may be accompanied if they so wish)
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of all interviews

Resolving complaints

2.6 The following can be used in an attempt to resolve a complaint if it is found to be appropriate:

- An acknowledgement that the complaint was justified – this can include an outcome of upheld or partially upheld. Please note that unjustified complaint outcomes will be not upheld or unable to substantiate
- An apology
- An explanation

- An admission that the situation could have been handled better or differently
- An assurance that the reason for the complaint will not recur
- An explanation of the steps taken to ensure there will be no recurrence
- An undertaking to review a school policy or procedure as a result of the outcome of a complaint

Governing Body Review

2.7 Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organized:

- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement.
- When individual complaints are heard, schools may also identify issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and effectiveness of the complaints procedure;
- It is the governing body which determines how often the complaints procedure is reviewed however the department suggests as good practice that it is reviewed regularly; every two to three years is quite typical. This will enable the school to take into account any new guidance or legislative changes which may be introduced by the Department for Education. Responsibility for reviewing the procedure may be delegated to the committee of the governing body, an individual governor or the headteacher. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to policy.

Complaints not in scope of a procedure

2.8 A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exception listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 03001233155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly gate Store Street Manchester M1 2WD.</p> <p>THE Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complaints will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Vexatious complaints

2.9 Implementation and adherence to the model complaints procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Chair of the Governing Body should write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed.

Serial or Persistent Complaints

- 2.10 Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. Sometimes, however, what you say can be hard to accept, even though it is right. When someone contacts you again and again, repeating the same points, or asking you to reconsider your position, you have to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important to recognise when you really have done everything you can and stop responding. It is a poor use of your time and resources to continually reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '...manifestly unjustified, inappropriate or improper use of improper use of formal procedure.' An exemption therefore exists in Section 14(1) of the FOI Act. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Is it time to stop responding?

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience – have they actually said as much in a letter, email or telephone call?
- Their letter/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information that are entitled to under The Education (Pupil Information) (England) Regulations 2005 (S.I.1437) (and subsequent amendments in the School Information (England) Regulations 2008 (S.I. 1471).

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Schools should be careful if they are advised by their LA not to respond to complaints at all. Complainants have a right to have any new complaint heard and obstruction by a school could result in the complaint being referred to the Department for Education as a technical breach of the law is being made. However, as long as the school is able to demonstrate that they are acting reasonably and that any genuine complaint can still be heard, the department would not intervene.

If school staff find it difficult to deal direct with complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. The department is aware that in some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FIO/DP advisor contact about those or approach the ICO for further advice.

Once a school has decided that it is right to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

Time Scales

- 2.11 Complaints should be acknowledged, investigated and resolved as soon as possible. The complainant should be notified of the anticipated timescales for dealing with the complaint when receipt of the complaint is acknowledged.

3 FORMAL COMPLAINTS PROCEDURE

- 3.1 All schools should adopt a three stage procedure for dealing with complaints.
- 3.2 There should not be a stage 4 (referral to the local education authority) and any reference to this should be removed from existing complaint procedures. The local authority may only become involved in school related complaints where the complaint involves school admissions & allocations, school transport, some aspects of Special Educational Needs, school exclusions, the curriculum or religious worship
- 3.3 The local authority does have a Children's Services Complaints and Feedback Manager who will be able to offer advice and guidance on how to deal with and resolve school complaints. Please note, however, that there is currently a charge of £45 per hour (pro rata) for this service.

Stage 1 – Complaint heard by staff member (i.e. teacher or Head of Year/House)

- 3.4 The aim here is to resolve a complaint at the earliest possible opportunity via informal resolution by way of a discussion with the class teacher or head of year/house.
- 3.5 If that member of staff did not feel comfortable investigating the complaint, or the complaint was about that staff member then the complaints co-ordinator can ask another staff member to investigate the complaint or immediately escalate the complaint to stage 2.

Stage 2 – Complaint heard by Head Teacher

- 3.6 During this stage the Head Teacher can delegate the task of collating evidence and information relating to the complaint but the decision on any action to be taken as a result of the complaint and the response should come from the Head Teacher.

Stage 3 – Consideration by the Governing Body

If your concern has already been through Stage 1 and 2 and you are not happy with the outcome, the next step is to make a formal complaint to the Governing Body.

You should contact the school's chair of Governors by letter, enclosing a copy of the written complaint originally submitted, indicating which matters remain unresolved. No new complaint may be included. Letters should be sent to:

Chair of Governors
Hylton Castle Primary School
c/o Governor Support Team
Education Directorate
P.O.Box 101
Civic Centre
Sunderland
SR2 7DN

The Chair of Governors may carry out an investigation into the complaint.

The Chair of Governors also has discretion to agree to a complaint review panel if she / he feels it would be helpful in resolving the complaint.

Complaint heard by Governing Body Complaints Appeal Panel

- 3.7 The complainant needs to write to the Chair of the Board of Governors giving full details of the complaint and the reason why he/she remains dissatisfied with previous attempts to resolve the complaint.
- 3.8 The Chair, or a nominated governor, should then convene a Governing Body complaints panel
- 3.9 The Governing Body Complaints Panel should consist of 3 to 5 governors and should **not** include all of the school's governors. This is so impartiality may not be compromised in case a panel is then required for a disciplinary hearing against a member of staff as a result of a complaint.
- 3.10 One of the governors should be appointed as the Chair of the Complaints Panel. This does not necessarily have to be the Chair of the Board of Governors.
- 3.11 The role of the Chair should include:
 - Ensuring that the correct process has been followed

- The remit of the panel is explained to each party at the beginning of the proceedings – i.e. that all parties will have the opportunity to have their say without being interrupted
- That all issues are fully addressed
- Ensure that complainants are put at ease and do not feel intimidated
- Ensure the hearing is conducted informally and that all parties treat each other with courtesy and respect
- The panel is open minded and acts independently
- No panel member has had any previous involvement in the complaint
- All parties are given the opportunity to see any written documentation and to comment on it.

The Chair should also ensure that the complainant is informed of the Panel's decision, in writing, within 15 working days of the Panel hearing. This letter should inform the complainant of their right of appeal should they remain dissatisfied (i.e. Ofsted or The Secretary of State for Education).

- 3.12 None of the governors on the panel should have had any prior involvement in the complaint.
- 3.13 The panel hearing should be held in private and the aim should be to resolve the complaint, achieve reconciliation between the school and the complainant and assure the complainant that his/her concerns have been taken seriously.
- 3.14 The Complaints Panel should aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate), decide and agree on appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur.
- 3.15 Care should be taken to ensure that the complainant does not feel intimidated by the process, especially if the complainant is a child. Consideration should therefore be given to setting and layout of room etc.
- 3.16 A clerk to the panel should be appointed (this could be the complaint co-ordinator or another member of staff). The clerk will be responsible for the following:
- Arranging the time, date and venue for the hearing
 - Collating and distributing any written information, including details of the previous stages of the complaint, to all parties in advance of the hearing
 - Meeting and welcoming the parties as they arrive
 - Notifying all relevant parties of the panel's decision

3.17 Duplicate Complaints

After closing a complaint at the end of the complaints procedure, a duplicate complaint could be received from:

- A spouse
- A partner
- A grandparent
- A child

If the complaint is about the same subject we will inform the complainant that the school has already considered that complaint and that the local process is complete. We will advise the complainant to contact the DFE if they are dissatisfied with the school's handling of the original complaint. We will take care to make sure we do not overlook any new aspect to the complaint we have not previously considered; this would be investigated and dealt with to the full extent of the complaints procedure.

3.18 Complaints campaign

There may be an occasion that we become the focus of a campaign and receive a large volume of complaints.

- All based on the same subject
- From complainants unconnected with the school

In such an instant, we will either / or:

- Send a template response to all complainants
- Publish a single response on the school's website

We will continue to signpost complainants to the DFE if they are dissatisfied with the school's response.

3.19 Parental responsibility

We will be sensitive to the circumstances of individual families.

4 MANAGING AND RECORDING COMPLAINTS

We must ensure that they meet the Public Sector Equality Duty. It is common practice to ask for complaints to be made by using a complaints form or in writing, however the complaint may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order 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. This will usually be done on our CPOMs system. Where there are communication difficulties, we may use recording devices to ensure that complaint is able to access and review the discussions at a later point.
- We will record the progress of the complaint and the final outcome. The headteacher or the complaint co-ordinator will be responsible for these records

and hold them centrally. We will always strive to make improvements as appropriate, from any justified complaint.

- We are aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

5 ESCALATION OF SCHOOL COMPLAINTS FOLLOWING STAGE 3

Should a complainant remain dissatisfied following a Stage 3 complaint they should be advised of their right to escalate their complaint to the following bodies:

Local Authority

The Local Authority MAY consider complaints in relation to school admissions & allocations, school transport, some aspects of Special Educational Needs, school exclusions, non delivery of the curriculum, religious worship and tuition at home.

Children's Services Complaints & Feedback Manager
Commercial & Corporate Services
Civic Centre
Sunderland, SR2 7DN

Telephone: 0191 5611276
Email: children.complaints@sunderland.gov.uk

Secretary of State for Education

If a complainant feels that a school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation they can contact the Secretary of State for Education.

The Secretary of State for Education
Department of Education
Castle View House
East Lane, Runcorn
Cheshire, WA7 2GJ

Telephone: 0370 000 2288
Typetalk: 18001 0370 000 2288
Fax: 01928 738248
Website: www.education.gov.uk/schoolcomplaints

Ofsted

Ofsted can consider complaints if they affect the school as a whole. Examples of this are if the school is not providing good enough education, the pupils are not achieving as much as they should or their different needs are not being met, the school is not well managed or is wasting money, the pupils' personal development and wellbeing are being neglected.

Ofsted
Enquiries – National Business Unit
Royal Exchange Buildings
St Ann's Square
Manchester, M2 7LA

Telephone: 08456 404045 (8am to 8pm Monday to Friday)
Email: enquiries@ofsted.gov.uk
Website: www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain

Local Government Ombudsman

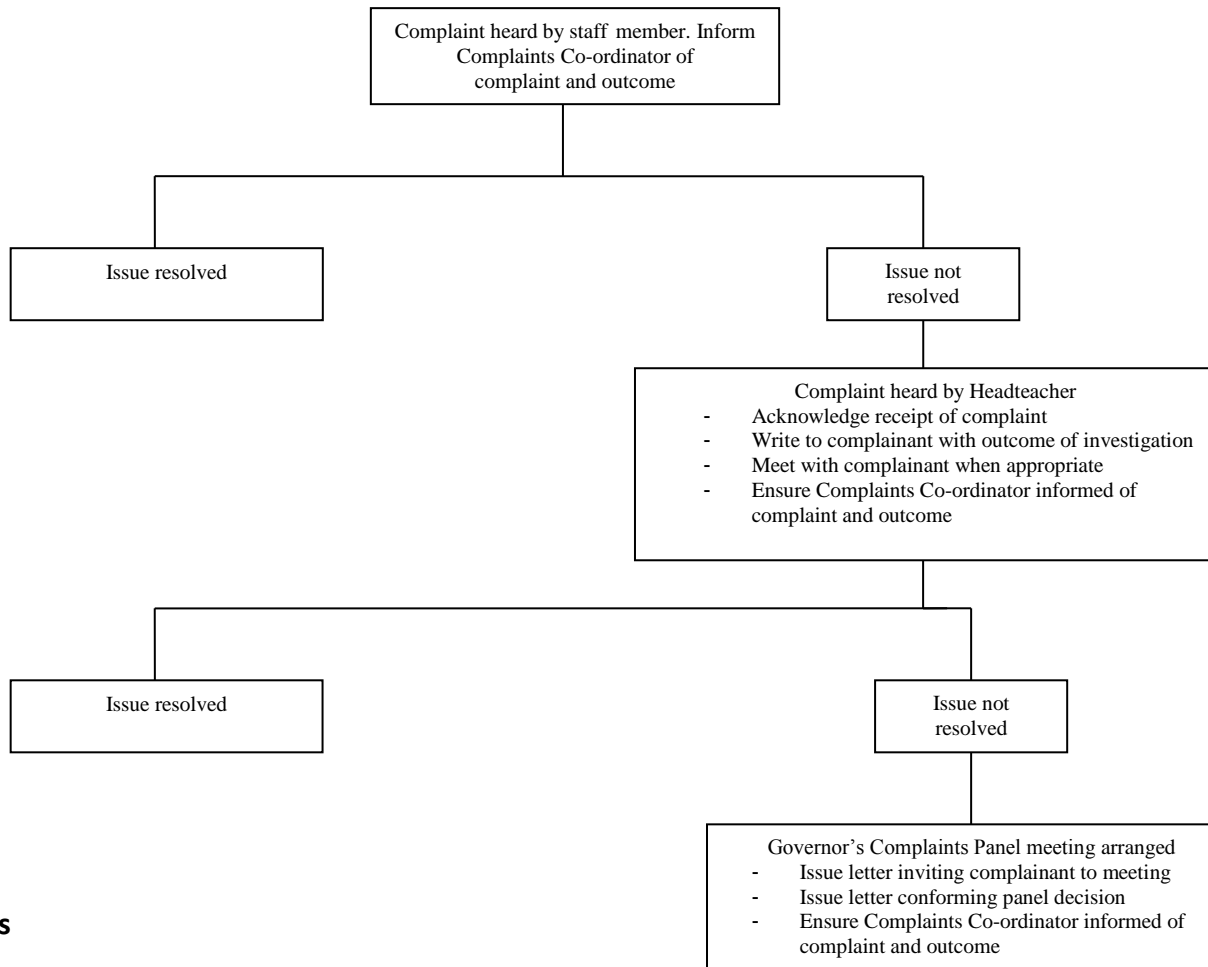
The Local Government Ombudsman currently considers school complaints in relation to school transport, special educational needs, school admissions, permanent exclusions and children who are out of school.

Local Government Ombudsman
PO Box 4771
Coventry, CV4 0EH

Telephone: 0300 061 0614 (8.30 am to 5pm Monday to Friday)
Fax: 024 7682 0001
Text 'call back' 0762 4803014
Website: www.lgo.org.uk/forms/Showform.asp?fm-fid=62

APPENDIX 1

Flowchart – Summary of Dealing with



Complaints

APPENDIX 2 – COMPLAINT FORM

Your name:

Address:

Contact tel no:

Pupil's name:

Relationship to pupil:

Please give full details of your complaint (please continue on a separate sheet if necessary):

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What action, if any, have you already taken to try and resolve your complaint (i.e. who did you speak to and what was the response)? :

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What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details:

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.....

Signed:

Date:

**PLEASE RETURN COMPLETED FORM TO THE HEADTEACHER WHO WILL
ACKNOWLEDGE RECEIPT AND EXPLAIN WHAT ACTION WILL BE TAKEN.**

OFFICIAL USE	
Date received:
By who:

Date acknowledgement sent:
Complaint referred to:
Date:

APPENDIX 3 – CHECKLIST FOR A PANEL HEARING

The panel needs to take the following points into account:

- The hearing should be as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant should be invited to explain their complaint and to be followed by the witnesses. There should be no interruptions during this process
- The headteacher may question both the complainant and the witnesses after each has spoken

- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The headteacher is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues during the closed panel session
- The chair explains that both parties will hear from the panel within a set timescale

APPENDIX 4 – ROLES AND RESPONSIBILITIES

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- Co-operates with the school seeking a solution to the complaint;
- Expresses the complaint in full as early as possible;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed;
- Treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- Ensure that the complainant is fully updated at each stage of the procedure;

- Ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- Liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding:-
 - Sharing third party information;
 - Additional support – this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - Sensitive and through interviewing of the complainant to establish what has happened and who has been involved;
 - Consideration of records and other relevant information;
 - Interviewing staff and children/young people and other people relevant to the complaints;
 - Analysing information;
- Effective liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- Identifying solutions and recommending courses of action to resolve problems;
- Being mindful of the timescales to respond; and
- Responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

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

The Panel Clerk (this could be Clerk of the Governors or the Complaints coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Circulate the minutes of the panel hearing;

- Notify all parties of the panel's decision;
- Liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- The meeting is minuted;
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers and others who may not be used speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- The panel is open-minded and acts independently;
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Both the complainant and the school are given the opportunity to state their case and seek clarity;
- Written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- Liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- The aim of the hearing, which will be 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 hearing 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 or her complaint has been taken seriously.

- Many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

APPENDIX 5 - POLICY FOR UNREASONABLE COMPLAINANTS

Hylton Castle Primary School is committed to dealing with all complaints fairly and impartially, and to providing a quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. Hylton Castle Primary School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcome sought by raising the complaint, despite offers of assistance;

- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes to 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 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;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and 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.

Complainants should limit the number of communications with a school 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. Whenever possible, the headteacher or Chair of Governors 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 Hylton Castle Primary School 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 6 months.

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 <...School>.

Banning from the School Premises

Although fulfilling a public, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure it remains a safe place for pupils, staff and other members of their community.

If an individual's behaviour is cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to an appeal hearing. If this decision is taken, schools are advised to always put it in writing and explain how the decision can be appealed. Schools should also give the individual the opportunity to formally express their views on the decision to ban in writing.

The decision should then be reviewed and either confirmed or lifted. If the decision is confirmed the individual should be notified in writing, explaining how long the ban will be in place.

Anyone wishing to complain about being banned can do so, by letter or email, to the headteacher or Chair of Governors. However complaints about banning cannot be escalated to the Department for Education. Once the school procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

The role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised however will only act where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The Secretary of State's powers, in respect of LA maintained schools in England, are delegated to the School Complaints Unit (SCU). The SCU will examine if the complaint policy and any other relevant statutory policies were followed in accordance with the provisions they set out. The SCU also examines policies to determine if they adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a series complainant

before the local procedure has been completed. However, the SCU should be asked to give a steer in terms of resolving the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.go.uk/help/contactus or by writing to:

Department for Education
Schools Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Inclusion Statement

At Hylton Castle Primary School, we are committed to offering an inclusive curriculum to ensure the best possible progress for all of our pupils whatever their needs or abilities.

Pupils have Special Educational Needs if they have a learning difficulty which calls for special educational provision to be made for them. Pupils with a disability have special educational needs if they have any difficulty in accessing education and if they need any special educational provision to be made for them, which is anything that is additional to or different from what is normally available in schools in the area.

At Hylton Castle Primary School we undertake the duties, including in relation to **this policy**:

- Not to treat disabled pupils less favourably for a reason which relates to their disability
- To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage
- To do our best by all disabled members of our school community in relation to the requirements of this particular policy

Equality & Diversity Statement

Hylton Castle Primary School fully recognises its duty to comply with equality and diversity legislation, and its Gender Equality Scheme sets out the school's aims in relation to equality and what it will do to ensure that equality is fully embedded in practice. The school fully acknowledges its responsibilities in terms of equality