



## COMPLAINTS POLICY SPRING 2023

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Status	Statutory	Date created	September 2008
Any other statutory names for this policy (where applicable)		Date first approved	13 October 2008
Responsibility for this policy (job title)	Headteacher	Date last reviewed	Spring 2023
Governors' Committee with responsibility for its review	Personnel Sub Committee	Frequency of review	Every 3 years
Tick here if Bucks Policy attached in its entirety		To be put on the school website? (Yes)	Yes
Approval necessary	Whole Governing Body		

### Introduction

We try to work to very high standards; we try not to make mistakes. If you do have a complaint, please let us know as soon as possible. We will make every possible effort to deal with your complaint quickly and to resolve the problem to your satisfaction. We will give careful consideration to all complaints and deal with them fairly and honestly.

This document sets out the school's procedure for addressing complaints. This policy applies to the day-to-day running of the school, the interpretation of school policies, the actions or inactions of staff at the school, school policies as determined by the Governing Body, the actions or inactions of the Governing Body, the Headteacher.

Please note that this procedure does not apply to issues concerning the admissions and exclusion appeals, decisions about your daughter's special educational needs or grievances by school staff. These are the subject of separate complaints procedures. Details of these procedures can be obtained from the school.

### Aims and Objectives

We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding. All complaints will be dealt with in accordance with our Confidentiality Policy.

### Timescales

Whenever possible, in the interests of a prompt resolution of issues, a complaint should be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will, however, consider complaints made outside of this timeframe where exceptional circumstances apply. A complaint raised outside this timeframe should therefore confirm the reasons for the delay in raising it.

Timescales for each stage of the School's complaints procedure are set out below. It is expected that the management of every complaint will progress in a timely manner. Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure (such as other bodies investigating aspects of the complaint), the School will notify the parent and inform them of the new timescales as soon as possible.

Complaints which are raised in the school holidays will usually be deemed to have been received on the first school day after receipt.

## **Complaints Procedure**

The procedure has three possible stages. Most cases will begin with the informal stage, and should be addressed in the first instance to the member of staff at the School most likely to be in a position to deal with the concerns expressed. Where a concern cannot be resolved after reasonable efforts to do so informally, or a more serious matter is in question, then a written complaint should be sent to the School addressed to the Headteacher.

### **Stage 1 - Informal Resolution**

Most complaints can be dealt with informally. If parents have any general concerns about the school or the education provided, they should discuss the matter with their daughter's Head of Year at the earliest opportunity. For concerns about a specific subject, they should discuss the matter with the relevant Subject Team Leader. If the complaint relates to use of the facilities by a community or private organisation, the matter should be discussed with the Facilities Manager. More difficult or complex concerns may take more than one discussion.

### **Stage 2 - Formal Resolution-Written complaint to the Headteacher**

A formal complaint can only be made to the Headteacher. This will usually be after careful and reasonable efforts have been made to resolve the matter informally, but it is accepted that a formal complaint relating to a serious matter may be made without first going through Stage 1. P

### **Stage 3 - Formal Resolution - Panel Hearing**

Where the complaint has not been resolved satisfactorily at Stage 2 it may be referred to the Governing Body Complaints Panel

### **Stage 1 - Informal Resolution**

In most cases, a teacher or the School Office will receive the first approach. Where appropriate, complaints should initially be raised as follows:

- Educational issues: if the matter relates to the classroom, the curriculum or special educational needs, the complainant should speak or write initially to the Head of Year. Their complaint may be passed to a more senior member of staff if appropriate;
- Pastoral care: for complaints relating to matters outside the classroom, the complainant should speak or write to the Head of Year;
- Disciplinary matters: a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the Head of Year;
- Financial matters: a query relating to financial matters should be addressed in writing to the Finance & Operations Director.

Wherever appropriate the School should ask the complainant at the earliest stage what they think might resolve the issue. When responding to a complaint the School should advise the complainant of any escalation options at each stage of the procedure.

The complainant should receive a response to the complaint within 15 school days.

If the complainant is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the complainant may make a formal complaint under Stage 2 of this procedure as set out below.

### Complaints against the Headteacher

The procedure for dealing with an informal complaint about the Headteacher is set out below:

A Complainant may choose to raise complaints directly with the Headteacher if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. If in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the Headteacher will endeavour to resolve the complaint informally under Stage 1.

The Headteacher will acknowledge informal complaints within 5 working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the complainant, to be held within 15 school days of the initial complaint.

If the complainant is dissatisfied with the Headteacher's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the complainant may make a formal complaint under Stage 2 of this procedure as set out below.

Alternatively, a complainant may choose to make their complaint about the Headteacher in writing to the Chair of Governors via the Clerk to the Governors. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out below.

### Complaints about the Governors

Complaints about the Chair of Governors, any individual governor or the whole Governing body should be addressed to the Clerk to the Governors via email or letter, who will determine the most appropriate course of action. Please mark them as Private and Confidential.

Most concerns can be resolved informally. The School is happy to receive suggestions and discuss concerns. Where the person raising the concern seeks specific intervention, reconsideration or some other action to be taken, the School will respond with a positive attitude and aim to resolve the concern informally.

In most cases, a teacher or the School Office will receive the first approach. For most concerns, the member of staff should aim to resolve the issue as quickly as reasonably possible. If the member of staff to whom the concern is expressed is uncertain how to resolve the issue, the matter should be referred to the line manager or a senior leader, and the line manager or senior leader will endeavour to resolve the issue under the informal procedures of this procedure. If the member of staff, line manager or senior leader reasonably believes that the approach relates to a more serious issue or complaint, then it must be referred to the Headteacher.

A concern that has not been resolved by informal means within **5 working days** from the receipt of the concern can be notified as a Formal Complaint in accordance with Stage 2 below either by the person raising the concern or by referral by the member of staff dealing with the concern.

File notes from the staff member(s) dealing with the concern and/or file correspondence between the person raising the concern and the staff member(s) which form the record of concerns raised at Stage 1 of this procedure must be retained and may be referred to at later stages of the process.

It is expected that the person raising the concern will make reasonable attempts to seek an informal resolution at Stage 1 and will act in a reasonable and measured way. If the Chair of Governors, having been notified of the circumstances by the Headteacher and having regard to relevant documentation, reasonably believes that this expectation has not been met, then he/she may dismiss the concern and will write to the person raising the concern accordingly

### **Stage 2- Formal Resolution**

If you feel that a concern has not been addressed through initial discussion, or that the concern is of a sufficiently serious nature, your complaint must be put in writing to the Headteacher (except if the complaint relates to the Headteacher-see below). This should set out the facts and state what it is the complainant considers should be done or where the school has not met reasonable expectations.

The complaint will be acknowledged within **5 school days** of receipt.

The Headteacher may act as the Investigating Officer (IO) or this may be delegated to a senior member of staff, a Governor or an independent investigator chosen at his discretion. At this stage, the Investigating Officer (IO) will investigate the complaint in whatever manner he/she believes appropriate and this may include any or all of the following:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to examine the matters complained of rigorously.

If a meeting with the complainant needs to take place, then the IO will make all reasonable steps to do this within **15 school days** of the complaint being received

The Investigating Officer will put his/her findings in writing. The written findings must include all relevant documentation and information on what, if any, steps have been taken to resolve the matter, and may include recommendations as to resolution. Whenever reasonably possible, this will be done within **15 school days** of the meeting with the complainant and if no meeting is to take place within **15 school days** of the complaint being received.

The Headteacher will inform the complainant of the Investigating Officer's findings by post as soon as reasonably possible.

If the written complaint relates to the Headteacher, this should be addressed to the Chair of Governors who will, if an informal resolution cannot be reached, designate a Governor to investigate in the same way as in the formal process outlined above.

### **Stage 3 - Formal Resolution - Panel Hearing**

If the complainant is not satisfied with the response of the Investigating Officer, then they may request that the Complaints Panel of the Governing Body consider the complaint. Any such request must be made in writing, addressed to the Clerk to the Governors at Aylesbury High School, within **10 school days** of the Stage 2 response being sent to the complainant. It must set out the reasons why the complainant is dissatisfied with the response, indicating which matters remain unresolved and what remedy the complainant is seeking. No new complaints may be included in such a request, as these will be subject first to Stage 1 and Stage 2 of the procedure. The Clerk will acknowledge the letter in writing within **one school week**.

If Stage 1 and Stage 2 have not been completed as set out above, the Clerk will respond in writing to the complainant explaining that the Panel cannot address any complaint until Stages 1 and 2 have been completed.

The Clerk will then ask the School to put in writing its response to the complainant's reasons. The School will do this within **15 school days**.

Upon receipt of the School's response, the Clerk will convene a meeting of the Complaints Panel of the Governing Body. This panel will consist of three people in total, all of whom must not previously have been directly involved in the matter or closely personally associated with the complainant or any person about whom the complaint has been made, and one of whom must be independent of the management, governance and running of the School. The Clerk will draw the independent member from an appropriate body at his/her sole discretion.

The Panel meeting will be held as quickly as practicable. Wherever possible, the meeting will be held within **15 school days** of the Clerk receiving the School's response, but it is accepted that given the need to find a date that is reasonably convenient for the complainant, the School and the members of the Panel, this timing may not always be achievable.

Those present at the Panel meeting will be the three panel members, the Clerk, the complainant and the Headteacher. The complainant will be entitled to be accompanied by a friend or companion, as will the Headteacher. Legal representation will not be allowed.

The Complaints Panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant does not attend on the day without providing reasonable explanation in advance, then the Complaints Panel will proceed in their absence and its decision will be final and binding on all parties. Any further attempt by the complainant to reopen the matter will be considered under the serial/persistent complaint section below.

The Panel will appoint a Chair, who may be advised on matters of procedure or fact by the Clerk. The role of the Clerk will also be to make a record of the hearing

If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors who will be happy to make appropriate arrangements.

The complainant may ask the Clerk to the Governors to inform them who has been appointed to sit on the Panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the Panel.

The complainant may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal process, not a legal proceeding, and legal representation is therefore unnecessary and not appropriate.

If the complainant wishes to be accompanied by a relative or friend who is legally qualified, the complainant is required to notify the Clerk to the Governors in the initial request for a Hearing. The complainant should be advised that the Complaint Panel will wish to speak to that person directly prior to the Hearing, and they will not be permitted to act as an advocate or address the Panel at the Hearing unless invited to do so by the Chair of the Panel. If the complainant is so accompanied, the Panel would expect to hear directly from the complainant.

Unless prior to the commencement of the Hearing, a complainant confirms they are satisfied with the outcome of their complaint, the Hearing will proceed notwithstanding that the complainant may

decide not to attend. In these circumstances, the Complaint Panel will consider the complainant's complaint in his/her absence and issue findings on the substance of the complaint.

The Panel will appoint a Chair, who may be advised on matters of procedure by the Clerk. The role of the Clerk will also be to make a record of the hearing

To ensure that the hearing is fair and rigorous in its procedures, the following steps will be taken:

- The Chair of the Panel will welcome the participants, conduct introductions and outline the proceedings.
- The Chair of the Panel will invite the complainant to present their case; this may include any examination of the witnesses for the complainant.
- The person acting on behalf of the School may question the complainant and/or the witnesses after they have spoken.
- The Chair of the Panel will invite the Headteacher to present the School's case and call witnesses. The complainant may question the person presenting the School's case and/or the witnesses after they have spoken.
- The Chair of the Panel will invite the complainant to sum up, including reaffirmation of the remedy they seek.
- The Chair of the Panel will ask the person presenting the School's case to sum up, including describing any actions they have taken in response to the matters raised.

At any stage of the proceedings, members of the Panel may ask questions to seek information on any matter raised before them.

Witnesses will only be required to attend for the part of the hearing in which they give their evidence and may be asked by the Chair of the Panel to leave the meeting at other times.

The Panel will seek to resolve the complaint during the meeting. If this cannot be done, the Panel will deliberate in private after the meeting, accompanied by the Clerk, to decide on its response.

The responses available to the Panel are as follows:

- To uphold the complaint in full or in part
- To dismiss the complaint in full or in part
- To decide on appropriate action to be taken to resolve the complaint
- To recommend changes to the School's systems and/or procedures in order to ensure that problems of similar nature do not recur

The decision of the panel is final and the panel has full discretion as to the form of the response. In complex cases the Panel may wish to give a complex response.

The Clerk to the Panel will then send a full response in writing by post to the complainant within **five school days**, stating the Panel's response and giving reasons for this response. The Clerk will send a copy of this letter to the Headteacher and to the Chair of Governors. Subject to the requirement to maintain confidentiality below, the Headteacher may copy relevant papers to any member of staff named in the complaint.

Having come to a decision about the complaint, the Panel may wish to refer issues of principle or general practice to another forum such as the Governing Body or to an individual such as the Headteacher.

A written record will be kept of all complaints made as a formal written complaint whether they are resolved following a formal procedure or proceed to a panel hearing and action taken by the School as a result of the complaints (regardless of whether they are upheld)

A record will be kept of all complaints and correspondence, statements and records relating to individual complaints. This record will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.

#### Complaints to the Education Skills and Funding Agency (ESFA)

- Complainants who are dissatisfied with the process followed by the Panel of the School may contact the ESFA, which will consider the complaint on behalf of the Secretary of State.
- The ESFA's contact details are as follows:
- Online: Via the ESFA's School Complaints Form
- By post: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

#### Serial or Persistent Complainants

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this Complaints Procedure, the Headteacher will refer the matter to the Chair of Governors. The Chair of Governors, at his/her discretion, may seek further information or investigation, or may write to the complainant to inform them that the procedure has been exhausted and the matter is closed. The decision of the Chair of Governors in this respect is final.

#### Unreasonable or Vexatious Complainants

Aylesbury High School is committed to providing a high quality service to those who have a legitimate cause for complaint. However, the School does not expect its staff to have to tolerate unacceptable behaviour or breaches of School policy by parents and visitors. The School has adopted the Department for Education's model Policy for Unreasonable Complainants to employ, if necessary (See Appendix A).

The School will resist abuse of the Complaints Procedure. It will not respond to complaints that are vexatious, repeated or manifestly trivial. It may decline to deal with some complaints where the number and/or type of complaints made by a particular individual or family is unreasonable.

If, at any stage of the Complaints Procedure the Headteacher believes that a complaint is or has become vexatious, he may refer the matter to the Chair of Governors. If it is decided that a complaint is or has become vexatious, the Chair of Governors will advise the complainant that the School will not respond to the matter further, and that should correspondence continue it will be read and filed but will receive no acknowledgment. The decision of the Governors in this respect is final.

In relation to this section, complaints will be regarded as frivolous or vexatious when they are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Examples are provided in Appendix B

#### Complaint campaigns

Occasionally the School may become the focus of a campaign and receive a large volume of complaints all based on the same subject and/or from complainants unconnected with the School. In these circumstances such complaints will be dealt with through a separate procedure. The Head and Chair of Governors will determine if the School is the subject of a complaints campaign and send the School's template response to all complainants.

#### Substitution of roles in relation to this Procedure

In the event that a complaint concerns the conduct of the Headteacher, the Chair of Governors will present the School's case at any Stage 3 Panel Hearing and may call the Headteacher as a witness.

For any stage of this Procedure, if the Chair of Governors is unavailable, personally involved or the subject of a complaint, the Vice-Chair will take on his/her responsibilities in this Procedure.

#### Monitoring

The Governing Body (Personnel Committee) monitors the complaints procedure.



## **Appendix A - Policy for Unreasonable Complainants (Based on the Department for Education Model Policy)**

Aylesbury High School 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 the School. We do not however, 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.

We adopt the Department for Education definition of unreasonable complaints as those made by persons who, because of the frequency or nature of their contact with the School, hinder our consideration of their own or other people's complaints.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations. The School may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

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 outcomes sought by raising the complaint, despite offers of assistance
- refuses to cooperate 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 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
- 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 the School 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 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 Aylesbury High 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 six months, but may be a permanent amendment.

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 Aylesbury High School.

### **Barring from the School Premises**

Although fulfilling a public function, Aylesbury High School is a private place. The public has no automatic right of entry. The School will therefore act to ensure that it remains a safe place for students, staff and other members of the community.

If a parent's behaviour is a cause for concern, the School can ask him/her to leave school premises. In serious cases, the Headteacher or Governing Body can notify them in writing that their implied licence to be on School premises has been temporarily revoked subject to any representations that the parent may wish to make.

The School will give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education.

Once the School's Complaints Procedure has been completed, the only remaining avenue of appeal is through the Courts.

## Appendix B - Examples of vexatious complaints

For the purposes of Section, **Unreasonable or Vexatious Complainants** of this procedure, the following list provides examples of complaints which will be regarded as vexatious. Such complaints are those where the complainant(s):

- Persist in pursuing a complaint where the School's Complaints Procedure has been properly implemented and exhausted (for example, where several responses have been provided).
- Change the substance of a complaint: continually raise new issues, or raise further concerns or questions upon the receipt of a response.
- Are unwilling to accept that the Governors have reached a final decision on a chosen course of action.
- Deny receiving an adequate response in spite of correspondence specifically dealing with the issues raised.
- Persist in pursuing a matter when they have already exhausted all routes of appeal.
- Do not clearly identify the precise issues that they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue a complaint where the concerns are not within the control of the School or its governance.
- Focus on trivial matters to an extent that is out of proportion to their significance and continue to press only those points.
- Have in the course of addressing a complaint, had an excessive number of contacts with the School representatives placing unreasonable demands on staff time.. A contact may be in person or by telephone, email or fax. (Discretion will be used in determining the precise number of 'excessive contacts' applicable under this section, using judgement based on the specific circumstances of each case).
- Make unreasonable demands on those dealing with a complaint, refusing to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Complaints Procedure or normal recognised practice.
- Make repeated counter-complaints against those dealing with the issue, especially with the clear intention of influencing the outcome of the procedure.
- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- Have threatened physical violence towards staff at any time. This will, in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidents will be documented. The School will consider any complainant who makes threats or used actual physical violence towards staff as a vexatious complaint. The School will inform the complainant of the action to be taken with regard to any further communication received and reserves the right to take legal action in such cases.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. We recognise that complainants sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, the Governors have a duty of care to their employees and reserve the right to take whatever action is deemed necessary to secure their reasonable safety. Any form of harassment, abusive behaviour or verbal aggression will be recorded and legal action may be taken.
- Actively contravene School policy for visiting the School site and contacting the School in pursuit of a complaint.

## APPENDIX C - COMPLAINTS FORM

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Address (inc postcode):

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try to resolve your complaint?

Who did you speak to and what was the response?

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

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

Signature:

Date:

Official use:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: