Mayfield House School

Complaints Procedures Policy

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Signed by:

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Statement of intent

Mayfield House School aims to resolve all complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

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

This procedure provides a three-stage route: informal resolution, formal complaint and Complaints Appeal Panel hearing. Where a complainant remains dissatisfied following the formal stage, they may request a Complaints Appeal Panel hearing in accordance with Part 7 of the Independent School Standards. The school may appoint a suitably independent person or external organisation to undertake or support an investigation where this is considered appropriate, including where the complaint is complex or sensitive, or where this is necessary to avoid an actual or perceived conflict of interest. The use of an independent investigator does not create an additional stage of the complaints procedure.

1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Equality Act 2010
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018

- The Education (Independent School Standards) Regulations 2014, Part 7 (Complaints)
- Education (Independent School Standards) Regulations 2014, Schedule, Part 6 – Provision of information, including paragraph 32(3)(f)

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

- Department for Education, Independent School Standards guidance (current edition)

This policy operates in conjunction with the following school policies:

- Records Management Policy
- Data Protection Policy
- Child Protection and Safeguarding Policy
- Grievance Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy

2. Definitions

A "**complaint**" may be generally recognised as an expression or statement of dissatisfaction about actions taken or a lack of action.

A "**concern**" may be treated as an expression of worry or doubt over an issue considered to be important, and for which reassurances are sought.

The school will class concerns as complaints and follow the same procedures for both, as outlined within this policy.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

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

The definition of "**unreasonable complaints**" is outlined in the 'Managing serial and unreasonable complaints' section of this policy.

Where a complaint is substantially identical to a complaint that has already been considered and no materially new information has been provided, the school will normally refer the complainant to the previous response rather than reinvestigate the same matters.

Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

"School days" means days when the school is open to pupils. All timescales in this policy are expressed in school days unless stated otherwise.

3. Roles and responsibilities

The complainant will:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaint investigator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Ensure that relevant legal, regulatory, safeguarding, equality and data protection requirements are appropriately considered throughout the procedure.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and retained in line with the school's Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Headteacher, Director's PA, Director(s), independent investigator and/or panel members, as appropriate.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

The headteacher, or where the complaint is against the headteacher, Proprietor (Director), is responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Where appointed, an independent investigator will:

- Conduct a fair and impartial investigation within the remit provided by the school.

- Consider relevant evidence and, where appropriate, interview relevant parties.
- Maintain appropriate records of the investigation.
- Identify the facts established by the evidence and provide a written investigation report to the person responsible for determining the complaint.
- Maintain appropriate confidentiality and comply with safeguarding and data protection requirements.
- Declare any actual or potential conflict of interest before accepting the appointment.

The Panel Chair will:

- Explain the remit and procedure of the panel hearing.
- Ensure that the hearing is conducted fairly, impartially and in a non-adversarial manner.
- Ensure that all relevant issues are considered and that both the complainant and the school have a reasonable opportunity to present their case.
- Ensure that panel members have had no direct prior involvement in the matters complained of.
- Ensure that relevant written material is available to the panel and parties, subject to appropriate confidentiality and redaction.
- Permit appropriate adjournments where necessary.
- Ensure that the panel reaches findings and recommendations based on the evidence available.

Where appropriate panel members will be aware that:

- The review panel meeting is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain a harmonious reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
    - Dismiss or uphold the complaint, in whole or in part.
    - Decide on appropriate action to be taken.
    - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

For the purposes of the Complaints Appeal Panel, the Director's PA will normally act as the panel clerk unless an independent clerk is appointed. Where appropriate, the Director's PA or independent panel clerk will:

- Continuously liaise with the complaint investigator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.

- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

4. Making a complaint

The school is aware that any member of the public, including the parents of past and present pupils, can make a complaint about the provision of facilities or services that a school provides.

The school will consider all complaints, and ensure that the complaints procedure is:

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

Anonymous complaints will be considered on their merits, with particular regard to safeguarding and welfare.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The school upholds a **three-month** time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication. All complaints will be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

All complainants will be given the opportunity to fully complete the complaints procedure and a complaint can progress to the next stage of the procedure even if it is not viewed as "justified".

Where a complaint involves either or both Directors, appropriate independent arrangements will be made for the investigation and determination of the complaint to ensure that any actual or perceived conflict of interest is appropriately managed.

The school reserves the right to appoint a suitably independent person or external organisation to undertake or support the investigation of a complaint where this is considered appropriate. This may include where a complaint is particularly complex or sensitive, where specialist expertise is required, or where there is an actual or perceived conflict of interest. The appointment of an independent investigator does not create an additional stage of the complaints procedure and does not remove the complainant's right to request a Complaints Appeal Panel hearing where applicable.

Complaints about staff

Any complaint about a member of staff will normally be dealt with by the Headteacher at Stages One and Two. Where appropriate, the Headteacher may appoint an independent investigator to undertake

or support the Stage Two investigation. If the complainant remains dissatisfied with the Stage Two formal outcome, they may request a Stage Three Complaints Appeal Panel hearing.

Where a complaint concerns the Headteacher, it will be referred to a Director who has had no prior involvement in the matter. The Director may investigate the complaint or may appoint a suitably independent person or external organisation to undertake the investigation. If the complainant remains dissatisfied with the Stage Two formal outcome, they may request a Stage Three Complaints Appeal Panel hearing.

Complaints about Directors

Where a complaint concerns either Director, the complaint should be submitted to the Headteacher, who will arrange for the complaint to be considered and, where necessary, investigated by a suitably independent person or external organisation. Neither Director will take part in the investigation or determination of the complaint where doing so could give rise to an actual or perceived conflict of interest.

Where a complaint concerns both Directors, the Headteacher will arrange for a suitably independent person or external organisation to manage and investigate the formal complaint.

The independent person will be provided with an appropriate remit and access to the information reasonably necessary to investigate the complaint. If the complainant remains dissatisfied with the Stage Two formal outcome, they may request a Stage Three Complaints Appeal Panel hearing.

Any person who has investigated or determined the complaint at Stage Two will not subsequently sit as a member of the Complaints Appeal Panel. The panel will comprise three people who have not been directly involved in the matters complained of, including at least one person independent of the management and running of the school**.**

5. Complaints procedure

Stage one – Informal concern made to a member of staff

A complaint may be made in person, by telephone or in writing.

The member of staff the complaint has been made against can discuss the concern with the headteacher to seek support.

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

If the concern is about the Headteacher, it should be submitted to the HR Manager, who will refer it to a Director who has had no prior involvement in the matter. Where the concern involves a Director or both Directors, the arrangements set out in Section 4 of this policy will apply.

In case a complaint is made initially to a Director, the complainant should be referred to the appropriate person. The individual in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

Within **15** school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. Notes must be taken during this discussion.

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

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Notes will record who attended, key points raised, any actions agreed and timescales.

Stage two – Formal complaint

Where a complaint has not been resolved at Stage One, or where the nature of the complaint makes informal resolution inappropriate, the complaint will proceed to Stage Two.

A formal complaint should normally be submitted in writing to the Headteacher. Where the complaint concerns the Headteacher, it should be submitted to the HR Manager, who will refer it to a Director who has had no prior involvement. Where the complaint concerns a Director or both Directors, the arrangements set out in Section 4 of this policy will apply. Reasonable adjustments will be made where a complainant has difficulty submitting a complaint in writing.

The person responsible for Stage Two may investigate the complaint themselves or appoint a suitably independent person or external organisation to undertake or support the investigation where this is considered appropriate. A person who has been directly involved in the matters complained of will not determine the formal complaint.

Stage Two will normally be completed within 20 school days of receipt of the formal complaint. Where the complaint is complex and this timescale cannot reasonably be met, the complainant will be informed in writing of the reason for the delay and provided with a revised target date.

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

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

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. Provided that the complaint is not against a member of staff or the headteacher, these notes are kept securely **online** and, where appropriate, encrypted. Where complaints are against a member of staff or the headteacher, notes are kept by the HR Manager and held on a secure site.

In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.

All discussions shall be recorded by the headteacher or the HR Manager, and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once the investigation is complete, the person responsible for determining the formal complaint will consider the available evidence and any investigation report. The complainant will receive a written outcome setting out the decision, the reasons for the decision and any actions or recommendations arising from the complaint.

Where the complainant remains dissatisfied with the Stage Two outcome, the written response will explain their right to request a Stage Three Complaints Appeal Panel hearing and how to do so.

Stage three – Complaints Appeal Panel (CAP)

If the complainant remains dissatisfied following the Stage Two formal outcome, they may request a Stage Three Complaints Appeal Panel hearing within 10 school days of receiving the written outcome. The school will arrange a panel hearing in accordance with this procedure. The prior involvement of an independent investigator does not replace the complainant's right to a panel hearing.

The panel will comprise three people not directly involved in the matters detailed in the complaint, including at least one person independent of the management and running of the school.

The complainant will receive written acknowledgement within 3 school days. The acknowledgement will confirm that the panel will meet within 20 school days of the request.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely by the HR Department.

Neither the school nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation may be appropriate, e.g. where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

The school will arrange a CAP comprising three members. Where neither Director has a conflict of interest, the Directors may arrange the panel. Where one or both Directors have prior involvement or a conflict of interest, appropriate independent arrangements will be made for the panel to be constituted and administered.

If all Directors are aware of the substance of a complaint before the CAP has been completed, an independent panel will be arranged to hear the complaint.

Where independent panel members are required, suitably skilled individuals who can demonstrate their independence from the management and running of the school will be appointed. This may include appropriately experienced education professionals or individuals with suitable governance, HR, legal or complaints-handling experience.

The school may appoint an independent compliance, HR, education or other suitably qualified external professional or organisation to undertake or support an investigation where appropriate.

Where appropriate, the Directors will ask for support from their network or independent services.

Prior to the hearing, the Director's PA, independent panel clerk or other person responsible for administering the panel will write to the complainant explaining how the hearing will be conducted. The Headteacher, where appropriate, will also receive a copy.

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

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

The meeting will allow for:

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

- At least 5 school days' notice of the date, time and venue
- Right to be accompanied
- Exchange of relevant documents/evidence in advance
- Opportunity for both parties to make statements, present evidence, question, and sum up

The complainant and the person complained about, where relevant, will receive a written response, via email or otherwise, explaining the panel's findings and recommendations within **15** school days. This response will also explain whether there are any further rights of appeal and to whom they need to be addressed.

A written statement of the panel's findings and recommendations will be provided to the complainant and, where relevant, the person complained about, and will be made available for inspection on the school premises by the proprietor (Directors) and the Headteacher.

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

6. **Interviewing witnesses**

When interviewing pupils to gather information regarding a complaint, appropriate arrangements will be made to support the pupil, taking account of their age, needs, communication abilities and the nature of the complaint. An appropriate adult or member of staff will normally be present.

Where a complaint raises a safeguarding concern or the possibility of a criminal investigation, the school will seek appropriate advice from the police, Local Authority Designated Officer (LADO) and/or children's social care before interviewing a pupil or determining who should be present. The school will ensure that its actions do not prejudice any safeguarding or criminal investigation.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them. Staff are allowed a colleague and/or trade union representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

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

The interviewee will be given access to any transcript.

7. Recording a complaint

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

- The complaint and main issues raised, the findings and any recommendations
- Whether the complaint was resolved at the formal stage or proceeded to a panel hearing
- The outcome (upheld in whole/part or not upheld) and any actions taken
- Dates/timescales and how each stage was concluded

Recording devices will not be used to review discussions of complaints at a later date. Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments.

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

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

Covert recordings will not normally be accepted as evidence. Where such a recording is provided, the school will consider its relevance, lawfulness, fairness and the circumstances in which it was obtained before deciding what, if any, weight should be given to it.

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

The school will process personal data relating to complaints in accordance with the UK GDPR, Data Protection Act 2018 and the school's Data Protection Policy.

Records will be kept confidentially and retained in line with the Records Management Policy, except where access is requested by the Secretary of State or an inspector.

8. Complaints not covered by this procedure

Some concerns are subject to separate statutory, regulatory or school procedures and will not be dealt with solely under this complaints procedure. Where this applies, the school will explain the appropriate route to the complainant.

Safeguarding and child protection

Where a complaint raises a safeguarding or child protection concern, the school will act immediately in accordance with its Child Protection and Safeguarding Policy and Keeping Children Safe in Education. The matter will be referred to the Designated Safeguarding Lead (DSL) and, where required, to children's social care, the police, the Local Authority Designated Officer (LADO) or another relevant safeguarding agency.

The existence of a safeguarding concern does not necessarily prevent the school from considering other aspects of a complaint under this procedure. However, the complaints process may be paused, adapted or limited where necessary to avoid prejudicing a safeguarding, LADO, police or other statutory investigation.

Allegations or concerns about adults working with children

Allegations or safeguarding concerns relating to a member of staff, supply staff member, volunteer, contractor, Headteacher or Director will be managed in accordance with the school's Child Protection and Safeguarding Policy and the procedures set out in Keeping Children Safe in Education. Where appropriate, advice will be sought from the LADO.

Admissions

Complaints concerning the application of the school's admissions arrangements will be considered in accordance with the school's Admissions Policy and any relevant contractual or local authority arrangements. A complaint about the way in which the school has administered its own admissions process may, where appropriate, be considered under this complaints procedure.

Special educational needs and disabilities (SEND)

Complaints about the school's provision for a pupil with SEND will normally be considered under this complaints procedure where they concern matters within the school's responsibility. Matters relating to statutory Education, Health and Care (EHC) needs assessments, EHC plans or decisions made by a local authority are subject to separate statutory processes and should be raised with the relevant local authority and/or through the appropriate statutory route.

Nothing in this policy affects any right to bring a disability discrimination claim before the First-tier Tribunal (Special Educational Needs and Disability) where applicable.

Suspension and exclusion

Complaints relating to a suspension or permanent exclusion will be considered in accordance with the school's Suspension and Exclusion Policy. Complaints concerning the administration or handling of the process may be considered under this complaints procedure where appropriate.

Staff grievances, disciplinary and employment matters

Staff grievances, disciplinary matters and other employment-related concerns will be dealt with under the school's relevant HR policies and procedures and not through this complaints procedure. Where a parent or other complainant raises a complaint that results in consideration of a confidential staffing matter, the school may inform the complainant that appropriate action has been taken but will not disclose confidential employment information or the outcome of any disciplinary process.

Whistleblowing

Concerns raised by workers in the public interest which fall within the scope of whistleblowing legislation will be dealt with under the school's Whistleblowing Policy. Nothing in this policy prevents an individual from making a protected disclosure to an appropriate prescribed person or body where the legal requirements for doing so are met.

Criminal matters

Where a complaint indicates that a criminal offence may have been committed, the school may refer the matter to the police and will take appropriate advice about whether and how the internal complaints process should continue.

Data protection

Complaints relating specifically to the handling of personal data will be considered in accordance with the school's Data Protection Policy and applicable data protection legislation. Individuals may also have the right to raise concerns with the Information Commissioner's Office (ICO).

Discrimination

Complaints alleging discrimination will be taken seriously and considered in accordance with the Equality Act 2010 and this complaints procedure where appropriate. Nothing in this policy affects any statutory right an individual may have to bring a claim before a court or tribunal.

Examinations

Complaints concerning examination or assessment administration, malpractice or decisions will be dealt with in accordance with the relevant awarding body's procedures and the school's examinations policies. Where appropriate, matters may be referred to the relevant awarding body or regulator.

Third-party services

Where a complaint concerns a service provided independently by a third party using the school's premises or facilities, the complainant will normally be directed to that provider's complaints procedure. Where the complaint also concerns an action or responsibility of the school, that aspect may be considered under this procedure.

Curriculum, RE and RSE

Complaints concerning the school's curriculum, including the delivery of religious education (RE), relationships and sex education (RSE) or other curriculum provision, will normally be considered under this complaints procedure. Any statutory or other rights relating to withdrawal from particular provision will be considered in accordance with the relevant legislation, guidance and school policy.

9. Exceptional circumstances

The school will normally seek to complete its internal complaints procedure before a complainant refers a matter to an external body. Nothing in this policy prevents a person from contacting an appropriate statutory, regulatory or safeguarding body where they are entitled to do so.

Where a complaint raises an immediate safeguarding concern, an allegation concerning an adult working with children, a potential criminal offence or another matter requiring referral to an external

agency, the school will make any necessary referral without waiting for the complaints procedure to be completed.

Where another body, including children's social care, the LADO, police, a local authority, regulator or court, is considering matters connected with the complaint, the school may pause or adapt its complaints procedure where this is necessary to avoid prejudicing that process. The complainant will normally be informed of the reason for any pause and, where possible, when the complaints procedure is expected to resume.

Where legal proceedings are commenced in connection with a complaint, the school will consider whether it remains appropriate to continue, adapt or temporarily suspend the complaints procedure. Legal proceedings will not automatically prevent the school from considering a complaint.

10.Managing unreasonable requests

The 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; 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.

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 or outcome of a complaint where the school's complaints procedure has been fully and properly implemented and completed.
- 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.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Knowingly provides falsified information.
- Publishes unacceptable information on social media or other public forums.

Complainants should limit the numbers 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 Director 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 the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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 the premises.

Any communication plan or restriction on contact will be proportionate, time-limited, and reviewed (usually after six months).

11.Complaints campaigns

For the purposes of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are not connected with the school, a standard, single response will be published on the school's website. If the school receives a large number of complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response.

12.Barring from the premises

School premises are private property. The school may restrict or withdraw an individual's permission to enter the premises where there is a legitimate reason to do so, including where their behaviour

presents a risk to pupils, staff or others, causes significant disruption, or is abusive, threatening or otherwise inappropriate. Any restriction will be reasonable and proportionate to the circumstances.

If an individual's behaviour is cause for concern, the headteacher or Directors will ask the individual to leave the premises.

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

The individual will be given the opportunity to formally express their views regarding the decision to bar them. The decision will be reviewed by a Director who was not previously involved in the incident or, where this is not possible or an actual or perceived conflict of interest exists, by a suitably independent person.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or Director.

13.Standard of fluency complaints

The school expects staff to communicate in spoken English to a standard appropriate to their role. The school will assess concerns about spoken English on their merits against the role's requirements.

The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in the complaints procedure section of this policy.

For the purpose of this policy, a **"legitimate complaint"** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding spoken English fluency will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

Where a concern is substantiated, the school will consider whether any support or action is appropriate in accordance with the requirements of the role and the school's relevant employment policies and procedures. This may include appropriate training, support, assessment or other action. Any formal employment action will be dealt with under the relevant HR procedure.

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the recording a complaint section of this policy.

14. Role of the DfE

Once the school's complaints procedure has been completed, a complainant may contact the Department for Education (DfE) where they believe that the school has failed to meet the Independent School Standards or has otherwise acted in breach of requirements within the DfE's regulatory remit.

The DfE does not normally reinvestigate the substance of individual complaints or act as an additional stage of the school's complaints procedure. It may, however, consider information provided to it when determining whether an independent school is meeting the applicable regulatory requirements.

Nothing in this policy prevents a complainant from contacting another appropriate statutory, regulatory or safeguarding body where they are entitled to do so.

15. Transferring data

When a pupil leaves the school, educational records will be transferred, retained and disposed of in accordance with applicable legal requirements, the school's Records Management Policy and its data protection obligations.

The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

Complaint records are kept separate from pupil educational records and are transferred only where necessary and lawful.

16. Availability

This policy is available on the school website and on request. In accordance with the Independent School Standards, the school publishes the number of complaints registered under the formal procedure during the preceding school year; this figure is available on the website and on request to parents and prospective parents.

17. Monitoring and review

The complaints procedure will be reviewed biennially, taking into account any legislative changes and the latest guidance issued by the DfE. The next scheduled review date for this policy is **September 2028**.

The Directors, as proprietors, are responsible for ensuring that this policy remains compliant with the Independent School Standards and other applicable requirements. The Headteacher is responsible for supporting its operational implementation and review.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

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

The Directors are responsible for ensuring the annual complaints figure is published and for reviewing panel outcomes and actions to inform improvement. The policy review will confirm that timescales remain workable and that independence requirements can be met.