

# Roundwood Park School

## Complaints Procedure

Reviewed: November 2020

Next review: September 2022

(Students, Families & Community Committee)

### Introduction: because we care about what you think!

As a high performing and aspiring community, we are always seeking to improve the education and services that we offer to students and parents – wanting to provide only the best. Therefore, the school's leadership, through strategic planning, alongside all teachers and support staff every day make many decisions and work hard to do the best for all the students. Your comments, either positive or negative, are helpful for future improvement and planning.

We know that it can feel uncomfortable to question or challenge, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right, particularly if you are dissatisfied with the way your child is being treated, or any actions or lack of action by us. We would like to hear from you if you want to talk about any particular aspect of school, whether or not you wish to raise a concern or make a complaint - you may just want to get something 'off your chest'.

### The difference between a concern and a complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. Roundwood Park School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Roundwood Park School will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

### Who can make a complaint?

This Complaints Procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Roundwood Park School about any provision of facilities or services that we provide. Unless complaints are dealt with

under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Headteacher) should be made in the first instance, to Mr Alan Henshall, the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to Mrs Heather Bayne (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing board should be addressed to Mrs Liz Hamilton (the Clerk to the Governing Board) via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this document (Appendix 1). If a complainant requires help in completing the form, please contact the school office. A complainant can also ask a third-party organisation, for example, the Citizens Advice to help them.

In accordance with equality law, we will make reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If a complainant is unable to submit their complaint in writing, the school will ensure that the issues being complained about and the outcomes being requested are documented in writing. The school may do this in either of the following ways:

- Invite the complainant to a meeting with the Headteacher or Chair of Governors (depending on what stage the complaint has reached) and a Notetaker. The Notetaker will document the issues being complained about and the complainant's desired outcomes, as discussed and agreed during the course of the meeting. At the end of the meeting, the complainant will be given a copy of the notes of the meeting containing this information and the school will retain the original copy for the purpose of investigating the complaint(s).
- Signpost the complainant to independent support, including advocacy. Advocates provide qualified, independent support for people that have difficulty understanding information and advice or who would like support in communicating their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints process. POhWER was founded in Hertfordshire in 1996. They deliver services in Hertfordshire as part of the HertsHelp service, in partnership with a wide range of voluntary sector organisations, including Advocacy. It is a free and impartial service. Their contact details are as follows:

POhWER

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: [pohwer@pohwer.net](mailto:pohwer@pohwer.net)

Skype: pohwer.advocacy

Post: PO Box 14043, Birmingham, B6 9BL

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

A complainant must raise the complaint 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 consider complaints made outside of this time frame if exceptional circumstances apply. To enable the school to make this decision, the complainant will be asked to explain their reasons as to why they have taken longer than three months to raise their complaint. If the complainant does not provide any explanation or the school deems that the explanation given is not compelling or exceptional enough to warrant the issue(s) being investigated as a late complaint, the school will confirm this in writing and take no further action.

## Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Roundwood Park School. Examples of issues that may be complained about are:

- Complaints from individuals, including members of the public, about the provision of facilities or services by the school.
- Issues from parents or carers of children who attend the school.
- Complaints regarding student welfare and wellbeing.
- Complaints regarding bullying.
- Complaints regarding staff behaviour.
- A Governor complaining about a member of staff.
- A member of staff complaining about a Governor.
- A Governor complaining about another Governor.
- Complaints about the school's handling of a Subject Access Request (SAR) or a Freedom of Information (FOI) Request.

Some matters are dealt with under other statutory procedures, **rather than the complaints procedure**, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li></ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If a complainant has serious concerns, they may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding (tel: 0300 123 4043) or the Multi-Agency Safeguarding Hub (MASH) (tel: 0300 123 4043).
<ul style="list-style-type: none"><li>• Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy</i>

	<i>can be made through the school's complaints procedure <a href="#">Behaviour-Policy.pdf</a></i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. A complainant may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of their complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform the complainant of a proposed new timescale.

If a complainant commences legal action against Roundwood Park School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded. The school will only consider investigating the complaint after the conclusion of legal proceedings if those proceedings did not address the issues at the heart of the complaint.

## Resolving complaints

At each stage in the procedure, Roundwood Park School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. If they are unable to do this however, the school will write to them to confirm that their complaint has been withdrawn, in accordance with their wishes.

The following information is summarised for parents/carers in Appendices 2 and 3.

### Stage 1 – Informal complaints [Concerns]

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, Head of Year/Subject Leader or Headteacher. Individual governors should not be approached to raise a concern or complaint. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the concern will provide an informal written response within 10 school days of the date of receipt of the concern.

If the issue remains unresolved, the next step is to make a formal complaint.

### Stage 2 – Formal complaints

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person or in writing (preferably on the Complaint Form). At this stage the complaint will have been recorded in writing and clarified with the complainant – wherever possible using the ‘Complaint Form’ in Appendix 1.

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

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school’s senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Roundwood Park School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Complaints that involve or are about the Headteacher should be addressed to Mrs Heather Bayne (the Chair of Governors), via the school office. Please mark as Private and Confidential.

If the complaint is:

- jointly about the Chair and Vice Chair of Governors or
- the entire governing board or
- the majority of the governing board

In this situation complaints that involve the Governing Board should be addressed to Mrs Liz Hamilton (Clerk to the Governing Board), via the school office. Please mark as Private and Confidential.

A Stage 2 complaint against the governing board will be considered by an independent investigator appointed by the governing board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 3 – Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing. The Chair of Governors will arrange for a panel of at least three people, consisting of two Governors who were not directly involved in the matters detailed in the complaint, and one independent non-governor who is independent of the management and running of the school. This is the final stage of the Complaints Procedure.

A request to escalate to Stage 3 must be made to the Clerk of the Governing Board, via the school office, within 10 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply. If the request is late, the complainant will be asked to explain why they have taken longer than 10 school days to request escalation of their complaint to the next stage. If the complainant does not provide any explanation or the school deems that the explanation given is not compelling or exceptional enough to warrant accepting the escalation request out of timescale, the school will confirm this in writing and take no further action.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 25 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

If the Stage 2 complaint was regarding:

- the Chair and Vice Chair of Governors or
- the entire governing board or
- the majority of the governing board

In this situation the Stage 3 panel will be a committee of independent, co-opted governors.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

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

*Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 15 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 10 school days before the meeting. Late evidence will not be accepted.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.
- make a finding of No Judgement if there is insufficient evidence to reach a definitive conclusion.

If the complaint is upheld in whole or in part, the committee will:

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

The Chair of the Committee will provide the complainant and Roundwood Park School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Roundwood Park School.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Roundwood Park School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

## **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published Complaints Procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Roundwood Park School. They will consider whether Roundwood Park School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

If the complaint is about the way the school has been delivering the provision set out in **Section F of the child's Education, Health and Care Plan (EHCP)**, the complainant may complain further to the Local Authority that maintains the child's EHCP.

If the EHCP is maintained by Hertfordshire County Council, the complainant may complain further by setting out the detail of the complaint and sending it to:

Customer Service Team – Complaints  
Postal Point: CHO118  
Resources Department  
County Hall  
Hertford  
SG13 8DF  
Email: [cs.complaints@hertfordshire.gov.uk](mailto:cs.complaints@hertfordshire.gov.uk)

## Complaint Form [Appendix 1]

Please complete and return to Mr Alan Henshall, [Headteacher] who will acknowledge receipt and explain what action will be taken.

However, if the complaint is about the Headteacher please return this form to Mrs Heather Bayne [Chair of Governors], or about the Chair of Governors, any individual governor or the whole Governing Board please return it to Mrs Liz Hamilton [Clerk to the Governing Board].

<b>Your name:</b>
<b>Student's name (if relevant):</b>
<b>Your relationship to the student (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it already, as a concern at 'Stage 1 - Informal Complaint' of this procedure, and if so, any outcomes following your approach?</b>

**What actions do you feel might resolve the problem at this stage – what are your desired outcomes?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

**Date:**

## Information for Parents/Carers [Appendix 2]

### How to raise a concern or formally complain - because we care about what you think!

Every day this school makes many decisions and tries hard to do the best for all the children. Your comments - either positive or negative - are helpful for future planning. We would like to hear from you if you want to talk about any particular aspect of this school, whether or not you wish to make a complaint - you just want to get something 'off your chest'.

We know that it can feel uncomfortable to question or challenge, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. In particular, if you are concerned with the way your child is being treated, or any actions or lack of action by us, please contact us in the way explained under the heading "How to comment or complain" below.

### Our aims

If you wish to raise a concern or complain you can be assured that:

- Your complaint will be dealt with honestly, politely and in confidence
- Your complaint will be looked into thoroughly and fairly
- We will keep you up to date with progress at each stage
- You will get an apology if we have made a mistake
- You will be told what we are going to do to put things right
- You will get a full and clear written reply to formal complaint, stage 2 within 15 school days

### How to raise a concern or complain?

#### Informal stage – 1

If you wish to make a complaint, or just express a concern about anything we do, you can do this by telephone, in person or in writing (by letter or email). We hope that most concerns can be settled quickly and informally, by putting matters right if needed or by giving you an explanation. If there is something you are not happy about, or if you don't understand why we are doing something in a particular way, it is usually helpful to get in touch first with the form tutor, class teacher or other appropriate member of staff, such as the Head of Inclusion if it is about Special Educational Needs. If the first person you talk to cannot resolve the situation with you then you can speak to the Headteacher; please make an appointment with his PA. Parents' worries can normally be sorted out at this stage but sometimes this is not possible. In this case there is a next step.

#### Formal stage – 2

If you are not satisfied with the school's initial response, then you need to raise your complaint formally with the Headteacher. This may be done in person or in writing, preferably on the Complaint Form [see Appendix 1], before returning it to the Headteacher's PA. The Headteacher will acknowledge receipt of the complaint and in his response, he will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher will then investigate your complaint, although he may delegate the investigation to another member of the school's senior leadership team, but **not** the decision to be taken. At the

conclusion of their investigation, the Headteacher will provide a formal written response that will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Roundwood Park School will take to resolve the complaint.

At this stage, if the complaint is about the Headteacher, or a member of the Governing Board (including the Chair or Vice-Chair), a suitably trained governor will be appointed to complete all the actions at Stage 2.

Complaints that involve or are about the Headteacher should be addressed to Mrs Heather Bayne (the Chair of Governors), via the school office. Please mark as Private and Confidential. Complaints that involve the Governing Board should be addressed to Mrs Liz Hamilton (Clerk to the Governing Board), via the school office. Please mark as Private and Confidential

### **Panel Hearing stage - 3**

If you are not satisfied with the Headteacher's response to your formal complaint, at stage 2, and wish to take the matter further, you can escalate the complaint to a panel hearing - the final stage of the Complaints Procedure. A request to escalate to Stage 3, together with any related correspondence, must be made to the Clerk of the Governing Board, within 10 school days of receipt of the Stage 2 response. The Chair of Governors will then arrange for a panel of Governors and one independent non-governor to meet as a panel, in private, to hear the complainant, with appropriate members of the school present, including the Headteacher. The committee will consider the complaint and all the evidence presented.

Following the panel hearing, the Chair of the Committee will provide the complainant and Roundwood Park School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The committee can uphold the complaint in whole or in part, dismiss the complaint in whole or in part or make a finding of 'No Judgement' if there is insufficient evidence to reach a definitive conclusion. If the complaint is upheld in whole or in part, the committee will decide on the appropriate action to be taken to resolve the complaint and where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

If the complaint is jointly about the Chair and Vice Chair of Governors or the entire governing board or the majority of the governing board, Stage 3 will be heard by a committee of independent, co-opted governors.

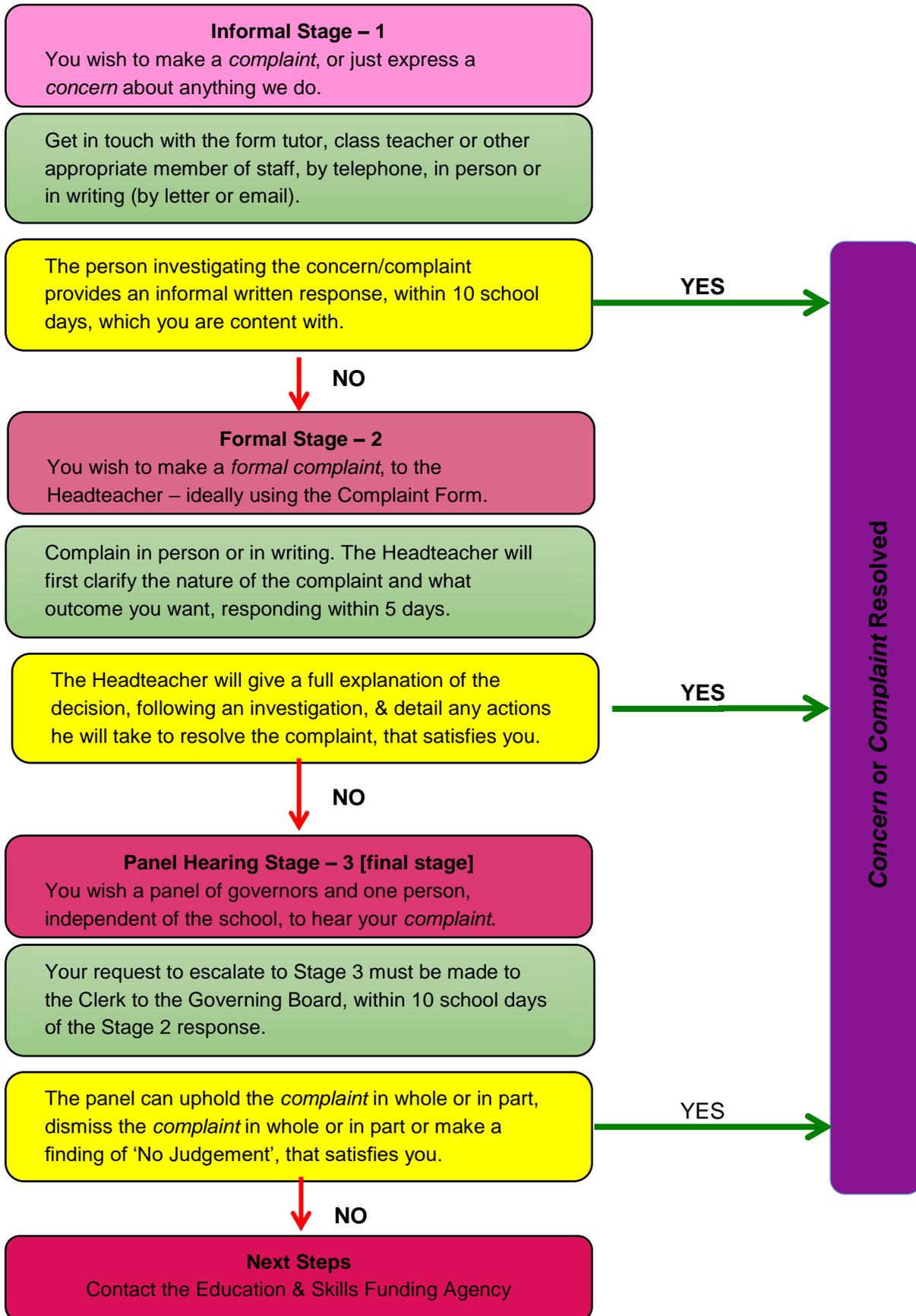
### **Next Steps**

Roundwood Park School is an academy, so the Governing Board is finally responsible for the resolution of complaints and we hope that you will find the outcome to be satisfactory. If not, and the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

Contact details are:  
Academies Central Unit (Academy Complaints)

Education & Skills Funding Agency  
Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

## Flow Chart Summary:



## Roles and Responsibilities [Appendix 4]

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Complaints Co-ordinator**

**(this could be the Headteacher / designated complaints governor or other staff member providing administrative support)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors or the Clerk and to ensure the smooth running of the Complaints Procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **Clerk to the Governing Board / Trust Board**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.  
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 meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting

itself

- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

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

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee 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 committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

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

- the welfare of the child/young person is paramount.

## Guidelines for Panel Hearing Stage 3 formal complaints.

Please see the suggested format of hearing below:

### Format of Hearing

Part A	Introductions of everyone present and clarification of the complaint lodged and conduct of the hearing. Panel Chair checks that everyone has a copy of this Format of Hearing on the table.
Part B	Parents present summary of complaint highlighting points made in their written complaint and other documentation. Witnesses are called as and when required. Panel questions parents to clarify the points they make.
Part C	Headteacher/respondent presents the facts as s/he perceives them - highlighting points made in the written response and other documentation. Witnesses are called as and when required. Panel questions Headteacher/respondent to clarify the points s/he has made.
Part D	Parents summarise their case highlighting evidence including anything that has emerged in the questioning.
Part E	Headteacher/respondent summarises the case for the school highlighting evidence. This should include the school's response and actions in relation to the complaint before the hearing and anything that has emerged in the questioning.
Close	Panel Chair thanks parents and Headteacher for attending and gives an indication of when they can expect to hear the outcome. Parents and Headteacher leave the room together. Panel considers all the evidence and comes to its conclusion.
NB. Parents and Headteacher /respondent are not invited to question each other	

The Panel also needs to take the following points into account:

- The hearing should be as informal as possible.
- Witnesses should only be required to attend for the part of the hearing in which they give their evidence.
- The Panel may ask questions at any point or adjourn the meeting.

## **Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints [Appendix 5]**

Roundwood Park School is committed to dealing with all complaints fairly and impartially and in accordance with the complaints policy and procedure that the Governing Board has adopted.

The school will not normally limit the amount of contact that parents, carers or complainants have with us; however, the school does not expect its staff to tolerate unreasonable behaviour and we will take decisive action to protect staff from such behaviour, including any that the school deems to be abusive, offensive or threatening.

Roundwood Park School defines unreasonable behaviour as that which affects the smooth and efficient running of the school on a daily basis, or that which hinders the school's consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints process at any stage.
- Refuses to accept that certain issues are not within the scope of the complaints process.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice, or only in a way that suits themselves.
- Introduces trivial or irrelevant information that they expect to be taken into account and commented upon.
- Raises detailed but unimportant questions and insists they are answered fully, often immediately and to their own timescales.
- Makes unfounded complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Seeks to change the basis of some or all of the complaint as the complaints process proceeds.
- Repeatedly makes the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed).
- Refuses to accept the outcome of the complaints process despite the fact that the process has been exhausted and correctly implemented, including signposting the complainant to the Education and Skills Funding Agency (ESFA).
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding the complaint, in person, in writing, by email and by telephone whilst the complaint is being dealt with.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Makes and breaks contact with the school on an ongoing basis with varying time delays in between.
- Knowingly provides false information.
- Persistently approaches various individuals at the school, as well as the Local Authority, Ofsted, the Department for Education, Education and Skills Funding Agency etc, through different routes about the same issue(s) in the hope of eliciting different responses.
- Publishes what the school deems to be inappropriate or unacceptable information on social media or other platforms.

Complainants should try to limit their communication with the school where it relates to their complaint, whilst the complaint is being progressed through the complaints process. It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome(s) being finalised.

Wherever possible, the Headteacher or Chair of Governors will discuss any concerns with the Complainant/Parent/Carer about their behaviour informally before deciding to invoke this policy and procedure for managing persistent and vexatious behaviour and complaints.

If any unreasonable behaviour continues after the Headteacher or Chair of Governors has spoken informally with the Complainant/Parent/Carer, the Headteacher will write to them. The Headteacher will confirm that the school deems their behaviour to be persistent and/or vexatious and will ask them to stop behaving in this way.

Wherever Complainants/Parents/Carers continue to contact Roundwood Park School excessively, causing a significant level of disruption, the school will consider whether to impose some or all of the following communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only).
- Requiring contact to take place with a designated member of staff (e.g. the Headteacher).
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about their future contact with the school.
- Informing the complainant that if they do not follow this advice (as stated above), any further communication/correspondence that does not present significant new matters or new information will only be kept on file and will not be acknowledged or responded to.
- If the complainant tries to re-open an issue that has already been considered through the complaints process, the Chair of Governors will inform them in writing that the process has been exhausted, that the matter is now closed, and that the school will not enter into any further correspondence about it.

The decision of the Headteacher or Chair of Governors to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through the school's complaints process. This is because the decision will be reviewed by the Headteacher or Chair of Governors after six months. If the Complainant/Parent/Carer's behaviour has remained the same or worsened, the Headteacher or Chair of Governors reserves the right to extend the communication restrictions for a further six months each time they review the situation. If the Complainant/Parent/Carer's behaviour has improved to a level that the school deems acceptable, then communication restrictions will be lifted on the proviso that should matters regress, the school reserves the right to reinstate the communication restrictions that previously applied.

In response to any serious incident of aggression or violence, Roundwood Park School will immediately inform the Police and communicate our actions in writing. This may include barring the individual(s) from the school premises. Should the school deem this necessary, it will ensure that it adheres to the guidance issued by the Department for Education (DFE) entitled Controlling access to School premises.

The school also reserves the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.