



Symphony Learning
TRUST

Complaints' Policy

2019-2020

Adopted by Symphony Learning Trust on	Autumn 2016
Ratified	1 st October 2018
Update (based on recently published DfE advice)	March 2019
Next Review Due	Autumn 2020

Part 1 – Availability of the Complaints Policy

This policy will be used across each Academy within Symphony Learning Trust for all complaints from parents/guardians or other parties.

A copy of the complaints' procedure is available from the school in a hard copy form (on request) and on each schools' websites and in prospectuses and other information shared with parents when children start new to the school.

References to the 'Head teacher' in this policy can also apply to the 'Head of School' if the school has this leadership structure.

Part 2 – Introduction

The difference between a concern and a complaint

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

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

It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. School in SLT should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, the Trust's complaints procedure will be followed.

We believe that our trust provides a good education for all our children, and that the Head teachers, Heads of School and other staff work very hard to build positive relationships with all parents. However, the trust is obliged to have procedures in place in case there are complaints by parents or other parties.

If any parent/guardian is unhappy with the education that their child is receiving, or has any concern relating to the trust, we encourage that person to **talk to the child's class teacher** immediately. We will deal with all complaints in compliance with guidance/regulation set out by the Department for Education, The Education Funding Agency (EFA) and The Education (Independent

Symphony Learning Trust does not limit complaints to parents or carers of children that are registered at our schools. Anyone can make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

- parents or carers of children no longer at the school
- members of the public

In accordance with [administrative law principles](#), complainants will be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets the [serial complaint criteria](#).

If the complainant contacts a school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond.

The school should not mark a complaint as 'serial' before the complainant has completed the procedure.

Some complaints fall outside the Trust's complaints procedure, for example:

- exclusions
- staff grievances
- disciplinary procedures

Complaints relating to admissions to schools

For school admissions, it will depend on who the admission authority is (either the school or the local authority).

Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.

Statutory assessments of Special Needs

Concerns about statutory assessments of special educational needs should be raised direct with local authorities.

Matters relating to Child Protection

Complaints about child protection matters should be handled:

- under the school's Safeguarding Policy
- in accordance with relevant statutory guidance

Refer to your local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH).

Exclusion of children from a school

Further information about raising concerns about exclusions is available in the Department for Education's School discipline and exclusion guidance.

Complaints about the application of the school's behaviour policy can be made through the school's complaints procedure.

Whistleblowing

The Trust has an internal whistleblowing procedure for our employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE using their contact form.

Volunteers who have concerns about schools should complain through the school's complaints procedure. Depending on the substance of the complaint they may also be able to complain to:

- The Board of Trustees
- DfE using their contact form

Staff grievances

Complaints from staff will be dealt with under the school's internal grievance procedures.

Staff conduct complaints

Complaints about staff are dealt with under the school's internal disciplinary procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you should notify complainants that the matter is being addressed.

Complaints about services provided by external providers who use the school premises or facilities

Schools should direct complainants to follow the external provider's own complaints procedure.

Complaints about the curriculum

Complaints about the content of the national curriculum should be sent to DfE using their contact form.

Complaints about the delivery of the curriculum are for schools to resolve through their complaints procedure. This includes:

- religious education (RE)
- sex and relationships education

The duty on local authorities to consider complaints of this nature was removed under section 45 of the Education Act 2011.

Complaints about Collective Worship

Complaints about the content of the daily act of collective worship (DACW) should be signposted to:

- the Board of Trustees
- the local Standing Advisory Council on Religious Education

Withdrawal from the curriculum

Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.

If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, schools should advise them to follow their complaints procedure.

The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

Intervention by the DfE

The DfE will usually only intervene when it is expedient or practical to do so and a Local Governing Body or Board of Trustees has:

- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising related education functions

Any such intervention will usually be in accordance with the Secretary of State's powers under Sections 496 and 497 (and 497A in relation to LAs) of the Education Act 1996.

When considering a complaint, the DfE will review all the evidence provided to them, including the school's published policies, to determine whether it is appropriate to take any action. Action taken by the DfE, where appropriate, typically involves explaining the legislative framework and what it means in practice at the school level or recommending improvements to statutory school policies. However, in some instances it may be appropriate for the Secretary of State to intervene.

The DfE do not take punitive action against schools when breaches of legislation or failures to adhere to statutory policies are identified. However, if serious failings are identified, the department may share information about the complaint and our findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

We will not provide explicit advice on what a school should do, unless we are asked to provide a view on any relevant legislative underpinning, but we can explain what options may be open to a school to choose from.

We can also consider complaints about the actions of local authorities in relation to the exercise of their functions under education law if they are brought to our attention.

We have adopted a three-stage process for dealing with complaints:

- Stage 1 – Complaint heard by member of staff
- Stage 2 – Complaint heard by Head teacher or Head of School
- Stage 3 – Complaint heard by Complaint Panel

Part 3 – Trust Aims and Objectives

Our trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

Part 4 – Complaints Procedure Good Practice

Our Complaint's Procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time limits for action and keeping people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide effective response and appropriate redress, where necessary;
- Provide information to the Academy's senior leadership team to enable services to be improved.

The Academy will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

Investigating complaints - At each stage, the person investigating the complaint will, make sure that they:

- 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 persist in the questioning; keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

Resolving complaints - At each stage the school will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints – (see also appendix 3) If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints' procedure. It is not the complainant who is vexatious; it is the correspondence.

Time Limits - Complaints need to be considered and resolved, as quickly, and efficiently as possible with realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set. The complainant should be sent details of the new deadline and an explanation for the delay.

Cut-off Limits - It is arguably reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date). In light of this, the school is willing to consider exceptions and we will consider any complaints not lodged within the stated period.

Part 5 – Complaints Procedure Stage 1

Stage 1 – Informal Resolution

Most concerns will be dealt with informally and parents/guardians are encouraged to speak to a member of staff to discuss your concerns. The formal procedures set out below will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

If a parent/guardian is concerned about anything to do with the education that we are providing within our trust, they should, in the first instance, discuss the matter with their child's class teacher. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school, and are making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

Our Academies operate an open door policy and as such, parents/guardians may wish to book in some time to talk to a more senior member of staff if this would be beneficial in resolving your concern informally.

Should the complaint be about the Head of School, the Executive Head teacher will do all he/she can to resolve the issue informally through a dialogue with the persons concerned.

Part 6 – Complaints Procedure Stage 2

Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis (as set out in the above paragraphs), then parents/guardians should put their complaint in writing (using Appendix 1) and hand this in to the Academy for the attention of the Head teacher.

The Head teacher considers any such complaint very seriously. The complaint will be investigated thoroughly (by the Head teacher or a person delegated to undertake the investigation).

The Head teacher will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Head teacher will meet or speak with the parents/guardians concerned to discuss the matter. If possible, a resolution will be reached at this stage.

The Head teacher will use reasonable endeavours to speak to or meet parents/guardians within 10 working days of the formal complaint being received.

Once the Head teacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made which will be communicated to parents/guardians in writing giving the reasons for the decision. The written decision should be provided no later than 10 working days after speaking with or meeting with parents/guardians to discuss the matter.

The Academy will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Academy's decision. The record will be retained for 1 year after the pupil leaves the Academy.

Should the complaint be about the Head teacher, it will then be considered by the Executive Head teacher or CEO of the Trust who will follow the above steps.

Only if Stage 2 proceedings fail to resolve the matter should a complaint progress to Stage 3.

Part 7 – Complaints Procedure Stage 3

Stage 3 – Complaint Panel (see Appendix 2 for finer details of the Remit and activities of the Complaint Panel)

If parents/guardians seek to invoke Stage 3, following failure to reach an earlier resolution with the Head teacher or CEO's decision, in respect of their formal complaint. They may request their complaint is considered by the Complaints Panel. Such a request must be made in writing addressed to the Chair of Governors, care of the Academy.

This request for further assessment of the complaint will, for the purposes of this procedure, be known as an 'appeal'.

Parents/guardians must lodge their appeal in writing within 10 working days of the date of the Academy's decision made in accordance with the Stage 2 procedure. The parents/guardians should provide, in writing a list of the complaints made against the Academy and which they believe to have been resolved unsatisfactorily by the Stage 2 procedure, along with the remedies sought in respect of each.

The Complaints Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

Where an appeal is received by the Academy, the Academy will, within 5 working days, refer the matter to the Clerk to the Local Governing Body who will act as Clerk for the Complaints Panel. Where the appeal is received by the Academy during Academy holidays, or within 2 working days of their commencement, the Academy has 5 working days upon commencement of the new school term to refer the matter to the Clerk.

The Clerk provides an independent source of advice on procedure for all parties.

On receipt of an appeal, the Clerk will then endeavour to convene an independent Complaints Panel hearing as soon as possible, usually no later than 20 school days after receipt of the notification from the parents/guardian that they wish to invoke Stage 3. The Panel date will be dependent upon the availability of the Panel members.

The Independent Complaints Panel will consist of two governors from the Local Governing Body who have not previously been involved in the complaint, and one person independent of the management and running of the school who will be selected from the Local Governing Body of another school/academy.

The following are entitled to attend a hearing and/or, submit written representations and address the Panel:

- The parent(s)/guardian(s);
- The Head teacher of the Academy

- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.

After due consideration of the facts considered relevant, the Panel will reach a decision, and make recommendations, which it shall complete within 10 working days of the hearing. The decision reached by the Complaints Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Academy Trust, although any such approval must be compatible with the decision of the Complaints Panel.

There is no further right of appeal to the Local Governing Body or Academy Trust. All complainants have the right, as a last resort, to contact the Education Funding Agency if they are not satisfied with the way in which their complaint has been considered. You can contact the EFA via their complaints form on the following link [EFA Complaint Form](#). The EFA can only look at complaints about academies that fall into the following two areas:

- a) The Academy did not follow its own complaints procedure or the Academy's complaints procedure does not comply with statutory requirements.
- b) The Academy has failed to comply with a duty imposed on it under its funding agreement with the Secretary of State for Education.

Part 8 – Monitoring, Evaluation and Review

The Trustees will review this policy at least every three years and assess its implementation and effectiveness across the Symphony Learning Trust. The policy will be promoted and implemented throughout each Academy in the Trust.

The Trustees monitor the complaints procedure, in order to ensure that all complaints are handled properly.

Trustees take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

Part 9 – Managing serial or persistent complaints

All schools in SLT will be helpful to people who contact a school with a:

- complaint or concern
- request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-

open the same issue, a school will inform them that the procedure has been completed and that the matter is now closed.

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

A complainant will never be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

A school may receive complaints which are considered to be vexatious. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- 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

Schools in SLT will not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Please refer to the appendix 3 at the end of this policy which explaining the Trust's procedures for managing serial and unreasonable complaints.

When to stop responding

The decision to stop responding should never be taken lightly. You need to be able to say yes to all of the following:

- you have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of your position and their options
- the complainant contacts you repeatedly, making substantially the same points each time

The case to stop responding is stronger if you agree with one or more of these statements:

- their letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the [Information Commissioner's Office](#) for further advice.

You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably. If you find it difficult to deal with a person who is behaving unreasonably and other strategies are not working, you can approach your local governor services team to ask for assistance.

You can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice.

If an individual persists to the point that may constitute harassment, you should seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools direct.

Once you've decided that it's appropriate to stop responding, you will need to inform the individual.

Barring from the school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Headteachers and governing bodies will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, a headteacher can ask them to leave school premises. In some cases, individuals can be barred from entering school premises. You should always give the individual the opportunity to express formally their views on a decision to bar.

The headteacher's decision to bar should then be reviewed by either:

- the chair of governors
- a committee of governors

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the bar will be in place
- when the decision will be reviewed

Once the school's appeal process has been completed, individuals may be able to apply to the Courts. Individuals wishing to exercise this option should seek independent legal advice.

Part 9 – Conclusion

The School complaint procedure follows the general principles of 'best practice' (see Appendix 4) and seeks to deal with complaints expeditiously and with equity. The final decisions and outcomes of using this procedure rest with the complaints committee, which is made up of Governors; there is no further internal recourse beyond this procedure. See Appendix 2 for details of what parents can do if they are still dissatisfied beyond Stage 3 of the Complaints process.

 **Appendix 1 - Symphony Learning Trust – Stage 2 Complaint Form**

To be completed, by the complainant, when discussions with the class teacher and/or Head teacher / Head of School have not resolved the initial concerns

Date of Formal Written Complaint	
Your name:	
Pupil's name(s):	
Your relationship to the pupil:	
Address:	
Postcode:	
Email address	
Mobile tel no:	
Other/Home tel no:	
Please give details of your complaint.	

What action, if any, have you already taken to try and resolve your complaint.	
(Who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature(s):	
Date:	

Official use only

Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

The remit of The Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so.
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and responsibilities

The role of the clerk

The meeting of any panel or group of governors considering complaints be clerked. The clerk will be the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;

- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The role of the Chair of the Local Governing Body or the nominated governor

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the panel's decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); within 5 school days by the Clerk to the Governing Body. This will confirm the end of the Governor's involvement with the complaint and explain that the matter is now concluded. The decision letter will include details of further rights of appeal, and if so, to whom they need to be addressed e.g Dfe, EFA or Ofsted. The complainant will be advised that the Local Authority cannot be involved unless the complaint is about a service supplied by the Local Authority. A copy of the written outcome will be retained on file and one will be issued to the person complained about.

The Formal Complaints Appeal Panel will comprise of members who are not directly involved in the matters detailed in the complaint including, one panel member who is independent of the management and running of the school. The Clerk to the Governing Body will attend as Minute Taker for the meeting.

The panel will set a time and date for a formal hearing within 20 school days after receiving notification that the complaint has reached Stage 3.

They will appoint their own chair, listen to all the evidence with impartiality and their decision is final. It is important to note that the Formal Complaints Appeal Panel Hearing will go ahead at the set time and date even if the complainant is unable to attend.

Checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head teacher may question both the complainant and the witnesses after each has spoken.
- The Head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

Regardless of how many stages the school chooses, an unsatisfied complainant can **always** take a complaint to the next stage.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to either go online to the [jkkkjji](#) or to write to The School Complaints Unit (SCU) at:

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Appendix 3 – Policy on handling unreasonably persistent, harassing, vexatious, unreasonable or abusive complaints

Symphony Learning Trust are committed to improving all of our schools. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. Detailed in this policy is the procedure for parents/carers to use if they wish to make a formal complaint.

The Trust is also 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 our 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.

Symphony Learning Trust defines unreasonable behaviour as that which hinders our 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 investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated 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 try to limit their communication with the school that relates to their complaint, 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 head teacher or Local Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact any school in SLT causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from a school in SLT

The aim of this guidance is to clarify the process for dealing with unreasonable complainants or parents who do not act appropriately.

1. What do we mean by 'an unreasonable complainant'?

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

2. Actions which are:

- Out of proportion to the nature of the complaint, or
- Persistent – even when the complaints procedure has been exhausted, or
- Personally harassing, or
- Unjustifiably repetitious or
- Obsessive, harassing, or prolific
- Prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
- Acting in a way not in line with the school aim of reaching a resolution and working with the school
- An insistence on
 - Pursuing unjustified or unmeritorious complaints and/or
 - Unrealistic outcomes to unjustified complaints
- An insistence on

- Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language;
- Making complaints in public; or
- Refusing to attend appointments to discuss the complaint.
- Using social media to publicise the complaint

3. What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of school staff or others.
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes on-going distress to school staff or others;
- It has a significant and disproportionate adverse effect on the school community.
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution.

4. What can you expect from a Symphony Learning Trust school?

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

- Follow the School's complaints procedure
- Respond within the given timeframe;
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school and the nature of the complaint
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance from the Department of Education;
- Keep those involved informed of progress towards a resolution.

5. What the school expects of you

The school expects anyone who wishes to raise concerns with the school to:

- Treat all staff with courtesy and respect
- Respect the needs of pupils and staff within the school;
- Never to use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time;
- Follow the school's complaints procedure.
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling and swearing
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils or on social media sites and not in an open public space)

- To be prepared to work towards a resolution and in partnership with the school

School's responses to unreasonably persistent complaints, vexatious complainants, unreasonable complaints or harassment

This guidance is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution.

However, in cases of unreasonably persistent complaints or harassment, the school may take any or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/Harassment Policy;
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication.
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the School considers to be reasonable
- Place restrictions on the individual's access to school and/or school staff.
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school.
- Involve the police

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

7. Physical or verbal aggression

7.1 The Local Governing Bodies of Symphony Learning Trust Schools will not tolerate any form of physical or verbal aggression or personal harassment against school staff. If staff are subject to this type of aggression the school may:

- Prohibit the individual from entering the school site, with immediate effect;
- Inform the individual that communication with them will cease other than in an emergency
- Request an Anti-Social Behaviour Order (ASBO);
- Prosecute under Anti-Harassment legislation.

8. Timeframe and Review

8.1 If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, the school, may resume the process identified above.

8.2 If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Schools complaints policy, the School will use its discretion and may resume the investigation of the complaint. The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy

8.3 Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered, even if the person making them is (or has been) subject to the vexatious or persistent complaints policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Complainants should try to limit their communication with the school that relates to their complaint, 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 head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact any school in SLT causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from a school in SLT.

Appendix 4 – **Complaints Procedure: Statutory Requirements on Academies**

All academies must have a complaints procedure which meets the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2010](#) Schedule 1, Part 7. The Regulations set out the manner in which a complaints procedure should be drawn up and used effectively to handle complaints from parents of pupils.

What do the Regulations say?

- Academies must have a complaints procedure consisting of at least three stages: informal (usually a meeting with the complainant), formal (the complaint is put in writing) and a panel hearing stage
- Academies' complaints procedures must contain clear timescales
- If the complaint progresses to the final panel stage, the academy must ensure one member of the panel is independent of the management and running of the academy
- Academies must allow the parent to attend and be accompanied at a panel hearing if they wish

Good practice the school will adopt:-

Although not required under the Regulations,

- A member of the governing body of the academy does not qualify as someone independent of the management and running of the academy, but members of governing bodies of neighbouring schools or local business people will qualify as such
- Make the complaints procedure available on-line
- Complaints from people who are not parents of attending pupils can use the same procedure as complaints from parents of attending pupils
- If the complaint does proceed to a panel stage, ensure parents are given reasonable notice of the date of the panel hearing and provide clear information on the process to enable a parent to attend
- Be clear what behaviour will be considered as unacceptable from complainants and the action you will take if a complainant behaves unacceptably
- Consider whether staff likely to be involved in handling a complaint are equipped to do so
- Provide complainants with written responses where appropriate and where the complainant requests a written response. This is particularly worth doing for correspondence with MPs as they will often use the correspondence they have received to brief or inform their constituents
- Clearly signpost parents that are not satisfied their complaint has been handled properly to the EFA via the [school's complaints form](#)

What is the EFA's role?

The EFA can support academies to achieve a compliant procedure, but it is the responsibility of academy proprietors to make sure that their complaints procedure is fully compliant.

If a complaint comes to the EFA, they will check whether the complaint has been dealt with properly by the academy. This derives from their responsibility to ensure academies comply with their funding agreements. We will consider complaints about academies that fall into any of the following three areas:

- a. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
- b. where the academy is in breach of its funding agreement with the Secretary of State.
- c. where an academy has failed to comply with any other legal obligation.

The EFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the Regulations. If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may on behalf of the Secretary of State, if appropriate, seek to enforce the decision under the terms of the funding agreement.

Further information

Useful resources and external organisations

enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications

Further information can be obtained from the School Complaints Unit:

by calling the National Helpline on **0370 000 2288**

online at: www.education.gov.uk/help/contactus or

www.education.gov.uk/form/school-complaints-form

or by writing to:

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD