

**COMPLAINTS
POLICY AND PROCEDURE**

**FOR EXTERNAL COMPLAINTS ABOUT THE
ACTIONS OF SCHOOL STAFF**

HAYFIELD PRIMARY SCHOOL

CONTENTS

	Page no
Context	1
Difference between a concern and a complaint	1
How will complaints be handled?	2
• Formal stage 1	
• Formal stage 2	
• Formal stage 3	
The Role of the Local Authority	6
Unsatisfied Complainants	7
Unreasonable Complainants and Unreasonable Behaviour	7
Appendix 1 – Flow Chart	8
Appendix 2 – Sample Complaint form	9
Appendix 3 – Advice, Guidance and Information	11
1. Context	
2. Managing Complaints	
2.1 Principles	
2.2 Investigating Complaints	
2.3 Resolution of Complaints	
2.4 Role of The Complaints Panel	
2.5 Role of The Panel Clerk	
2.6 Time Limits	
2.7 Recording Complaints	
2.8 Role of Governors/the Governing Board	
Appendix 4 – Policy and Procedure for dealing with unreasonable complainants and unreasonable behaviour	17

SCHOOL COMPLAINTS POLICY AND PROCEDURE

1. Context

1.1 Hayfield Primary School's Governing Board is required, under the Education Act 2002:

- have a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides and;
- publicise the procedure.

1.2 This document sets out how the school will respond to external complaints. We strive to embed the standards set down in the non-statutory government 'Best Practice Advice for School Complaints Procedures' (DfE, January 2016) in our approach.'

1.3 Since it is the Governing Board's responsibility to ensure complaints received by/about the school are resolved, it is important that the school's policy and procedure for handling complaints is clear. It must be available to Governors, employees, parents, carers and members of the public. Comments about the procedure are welcome, and should be made to the Headteacher, Ms Claire McKenzie or to the Clerk to the Governors, Ms Nicki Lowe.

1.4 Anonymous complaints cannot be dealt with under this procedure.

1.5 Complaints from members of staff are be dealt with under the appropriate internal procedure (e.g. Grievance, Harassment), rather than the complaints procedure.

1.6 The local authority does not have a formal role in investigating and adjudicating school complaints, but has responsibilities in relation to complaints/appeals about:

- a) special educational needs provision, where the complaint concerns the Statement/Education Health Care Plan (EHCP) or the conduct of any centrally employed authority staff responsible for the provision made through the Statement/EHCP.*
- b) exclusions
- c) admissions
- d) child protection procedures
- e) criminal investigations

which are subject to separate procedures. The Headteacher may consult with the authority on the appropriate procedure for dealing with a complaint in these areas.

1.8 Complaints leading to a disciplinary investigation will be subject to a separate procedure. Details of such investigations and any sanction applied are confidential but complainants will receive a report giving as much feedback as is possible.

2. The difference between a concern and a complaint

2.1 We distinguish between concerns and complaints. A 'concern' may be defined as 'an expression of worry or doubt over an issue considered important for which reassurances are sought'. The school seeks, wherever possible, to respond positively – and promptly - to concerns raised with it. This is in everyone's interest and our experience is that many issues can be resolved informally, through discussions with the Headteacher or, as appropriate and only with their agreement, the staff member without the need to use formal procedures.

*SEND, formerly known as Derbyshire Parent Partnership offers free confidential help, advice and support for parents/carers of children with special needs or at risk/have been excluded from the school. 01629 533660.

2.2 Staff will respond as soon as they can to concerns parents/carers may have, and it may be possible to discuss the matter straight away. But staff will not always be immediately available: where this is so, it is helpful if the nature of the concern or issue to be discussed can be briefly communicated – in writing or via a message left with the school office, setting out:

- brief details of the topic to be discussed, and the named child(ren) it concerns;
- dates/times most convenient for a meeting, and;
- relevant contact details

2.3 However, there are occasions where concerned parties wish their concern(s) to be considered as a complaint, which may generally be defined as ‘an expression of dissatisfaction, however made, about actions taken or lack of action’. The rest of this document concerns such complaints.

3. How will complaints be handled?

3.1 Hayfield Primary School’s Headteacher is the school’s Complaints Co-ordinator, responsible for tracking, collating and recording complaints received. The Chair of Governors assumes this role for any complaint concerning the Headteacher.

3.2 The Complaints Co-ordinator will:

- Ensure the complainant is kept updated at each stage of the procedure;
- Ensure everyone involved in the complaints procedure is aware of legislation around complaints;
- Liaise with staff, Chair of Governors and Clerk to ensure the procedure operates smoothly;
- Keep records relating to complaints;
- Be aware of issues regarding sharing of information, and need for any support of complainants

3.3 The Headteacher and Chair of Governors may approach sections of the local authority for advice and guidance, notably Children and Young Adults HR section and the Governor Support Service.:

3.4 Responsibility for managing complaints within its remit is, however, the school’s.

3.5 It clearly helps if complaints are made as soon as possible after an incident arises. This enables consideration whilst events - and recall of them – are still fresh. We consider three months the general maximum timeframe for lodging a complaint.

3.6 There are three stages to the formal complaints procedure. A flow chart of the stages can be found in Appendix 1.

FORMAL STAGE 1

3.7 If unresolved through informal discussion with the Headteacher or relevant staff member offered by the school, the complainant should submit their concerns formally to the Complaints Co-ordinator, Headteacher Claire McKenzie. We have devised a form (attached at Appendix 2) to help structure such submissions, but this does not have to be used. Complaints may be made in person, by telephone or in writing. Complainants need to consider the confidentiality of the email address if they wish to submit a complaint via email.

3.8 However complaints are made, the submission should include name, contact details, nature of complaint and any suggested resolution to the complaint.

3.9 The Complaints Co-ordinator will refer the complaint to an appropriate staff member who will investigate, report back to the complainant and inform the Co-ordinator of the outcome. If actions are agreed with the complainant, in response to the concerns raised, the Headteacher will be informed and any other relevant staff members. Where relevant, arrangements to keep the complainant informed of progress will be made. Advice about undertaking investigations is in Appendix 3.

3.10 The School Complaints Co-ordinator should ensure that:

- The complaint is acknowledged within two working days.
- The staff member investigates the complaint, keeps appropriate notes and correspondence from their enquiries and decides how best to resolve it within a further ten working days.
- The staff member responds to the complainant in writing or meets with them (as appropriate) to provide their findings and the outcome of the complaint. This will be within two working days of completing the investigation, unless s/he has informed the complainant that more time is needed.
- The investigating staff member supplies relevant papers on her/his findings and the outcome of the complaint, for the school record. These will also be used should the complaint progress further through the procedure.
- The complainant is advised that if they are dissatisfied with the outcome they may refer their complaint to the Headteacher at Formal Stage 2.
- The Chair of Governors is informed that a formal complaint has been received and what action has been taken to provide a response, without discussing the nature of the complaint at this stage.

3.11 If the complaint is about the way in which the school has dealt with a complaint or the complaint is about the Headteacher, the matter should be submitted in writing, using the form at Appendix 2 if preferred, to the Chair of Governors. It will be dealt with directly at Stage 2.

FORMAL STAGE 2

3.12 If the complainant is unsatisfied with the response and wishes to pursue the matter further through the procedure, the complainant should write to the Headteacher (or Chair of Governors where the complaint is about the Headteacher) within 10 days. That letter should include:

- Their name
- The nature of their complaint
- Where appropriate, the reasons why they were unhappy with the Headteacher's decision
- Any resolution they seek
- How they can be contacted

3.13 The letter should not be sent to other governors or to the clerk to governors to be submitted to a Governing Body Meeting. This is because other governors may be needed if the complaint is progressed further through the formal procedure. To fulfill such a role they must not have had prior involvement in the complaint.

3.14 The Headteacher (Chair of Governors) will:

- Acknowledge the letter within two working days of receipt – unless there are extenuating circumstances, in which case, this task will be taken up by another member of staff or the Governing Board. This may be by telephone, email or letter. (Complainants need to be aware that governors are not employees of the school and may not receive the communication immediately.) The Chair may nominate another governor to investigate, for personal or contextual reasons. Apart from the 'nominated governor', the Chair must not involve any further governors or report any detail to the Governing Body at this stage. They should first contact the complainant to ascertain whether it is necessary to meet with them in order to fully understand their complaint.
- Review the investigation conducted at Stage 1 and carry out further enquiries if required. Where the Chair/nominated governor receives a complaint they will conduct an investigation and speak to everyone involved as soon as practicable. The investigation will aim to be completed within ten working days. (It is important to remember that governors are volunteers and may have their own work commitments.)
- Provide a written response with the outcome of the complaint. This will be within a further five working days, unless additional time is confirmed as being needed.
- Advise the complainant that, if dissatisfied with the outcome, they may refer the complaint to the Complaints Panel of the Governing Body at Formal Stage 3.

3.15 The timescales set out in this Complaints Procedure are those expected in normal circumstances. Where a complaint is detailed and/or requires extensive investigation, timescales may be need to be extended. The complainant will be informed in writing of any extension to timescales required and given a revised timetable for resolving their complaint.

FORMAL STAGE 3

Governors' Complaints Panel

3.16 If the complainant is dissatisfied with the outcome of the Headteacher's (Chair of Governor's) investigation they should write to the Chair of Governors, within 10 working days of receiving the response, stating why, and request that their complaint be referred to the Complaints Panel of the Governing Board.

3.17 The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. It may also be inappropriate for the Complaints Panel to include teacher or staff Governors. Where it is not possible to nominate 3 governors without prior involvement or an interest in the matter, the panel may comprise 2 members.

3.18 The Clerk to Governors will convene a meeting of the Complaints Panel within 10 working days of the request. Where this is not possible (e.g. due to governors' work commitments), the Clerk will advise the complainant – and all others involved in the Panel meeting – of this in writing, and of revised arrangements made.

3.19 At least 5 working days before the meeting members of the Complaints Panel, Headteacher/Chair and complainant will be provided with all papers to be considered at the hearing, which should include, as appropriate:

- A copy of the original complaint.
- A copy of the outcome at Formal Stage 1.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 1.
- A copy of the letter to the Headteacher (Chair of Governors) requesting an investigation at Formal Stage 2.
- A copy of the letter sent to the complainant about the outcome at Formal Stage 2.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 2 and requesting that the complaint is heard by the Complaints Committee.

3.20 It is not the role of the Governors' Complaints Panel to repeat investigations already undertaken. But the Panel needs to be aware of, and be able to consider, issues considered in previous investigations and as they arise in its meeting. It is therefore important the Panel also has access to the 'complaint record' established by the school specific to the complaint it is required to decide upon. Advice about the content of the 'complaint record' is set out in Appendix 3. The Clerk to Governors should ensure this is made available to the Panel at least 5 working days before its meeting. The Chair of the Panel should consider, in the light of material received and matters under consideration, what other elements of the 'complaints record' should be made available to all Panel members.

3.21 The complainant will be invited to attend the meeting to state their case and offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend. If the Complaints Panel thinks that it would be helpful for a child to be present, the Governors will seek the permission of the parents. The complainant does not have to attend the meeting, in which case the Complaints Panel will consider the documentary evidence provided by the complainant.

3.22 The Headteacher and/or Chair of Governors will be invited to attend the meeting to state their case. They do not have to attend a meeting, in which case the Complaints Panel will consider the documentary evidence relating to any investigation(s) the Headteacher or Chair of Governors carried out.

3.23 The format of the Panel meeting may vary from one case to another, depending on whether the complainant and/or Headteacher wishes to attend, and whether there are any supporting witnesses. However, the panel always needs to ensure:

- The hearing is as informal as possible.
- Any witnesses attending are only required to attend for the part of the meeting in which they give their evidence.
- After introductions, the remit of the panel is confirmed.
- Time allocations/constraints and any potential for adjournment are made clear.
- All parties have all necessary documentation.
- The complainant, if attending, is invited first to explain their complaint, followed by their witnesses.
- If present, the Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher, if attending, is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The Panel asks questions of anyone stating their case in the course of – or immediately after hearing - their statement, not later.
- The complainant has opportunity to sum up their complaint.
- The Headteacher has similar opportunity to sum up the school's actions and response to the complaint.
- Complainant and Headteacher parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within two working days.

3.24 Advice on conducting a complaint hearing may be sought from the Local Authority Governor Support Service. In exceptional circumstances the Chair may wish to request the attendance of an appropriate LA officer to provide advice and guidance to the panel. Attendance by an appropriate officer is part of the authority's traded services and subject to availability. That person would not have any role in deciding the outcome but would advise on procedure.

3.25 The chair will need to ensure notes, to aid the panel's decision, are taken during the hearing. The Clerk to the Governors will be approached to provide this service in the first instance.

3.26 In the event that further information is needed and it is not available at the time the meeting may be adjourned and re-convened at a mutually convenient time. This should be done as quickly as possible and wherever practicable within five working days.

3.27 The panel's role is to consider whether the earlier investigation(s) were conducted appropriately and reasonably, and whether the decision of the Headteacher/Chair of Governors was reasonable. The panel may determine an alternative outcome to the complaint, where appropriate.

3.28 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.

3.29 The decision of the Complaints Panel is final.

The Role of the Local Authority

3.30 The LA has no statutory role in resolving complaints other than those listed in Section 1 a) to d). The authority is not able to review the school's response to a complaint and is not an appeal body.

Unsatisfied Complainants

3.31 If a complaint has completed the school's procedure, and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably or not in accordance with its procedure and where it is practical to do so.

3.32 Registered parents and carers may complain to Ofsted about issues that relate to the school as a whole e.g.:

- the education provided,
- underachievement of pupils or different needs not being met,
- poor leadership/management or waste of money,
- the neglect of pupils' personal development.

3.33 These issues must not relate to an individual pupil. Ofsted cannot investigate incidents or review how a school has responded to a complaint.

Unreasonable Complainants and Unreasonable Behaviour

3.34 Our policy and procedure for dealing with unreasonable persistent complainants and/or unreasonable complaints behaviour, is set out at Appendix 4

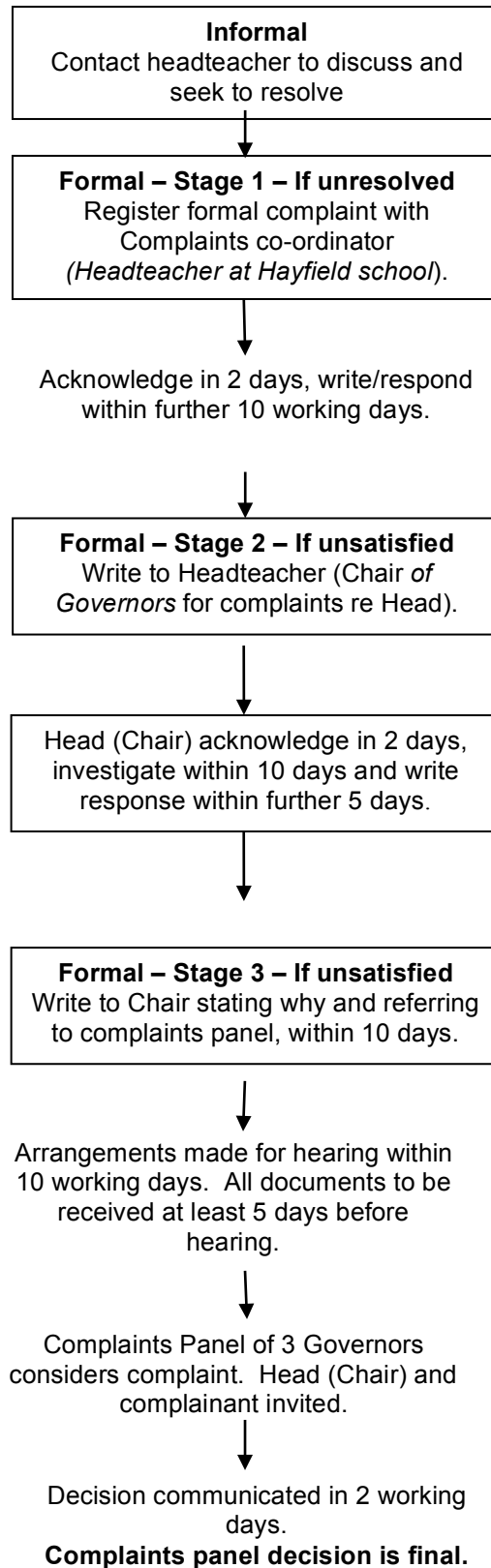
This policy will be reviewed by the Governing Board bi-annually unless a change in legislation demands otherwise, or specific events prompt earlier review.

Reviewed on	Signed by Chair of Governors	Signed by Headteacher

Flow Chart

Appendix 1

This chart summarises the procedure. The procedure itself details what needs to be included at each stage. All timelines are policy: in exceptional circumstances, they may be extended, but only with notice given to all parties.



Sample Complaint Form

Please complete and return to(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

ADVICE , GUIDANCE AND INFORMATION

1. Context

1.1 Governing Bodies are legally required to publicise their Complaints Procedure. Hayfield School does this largely by including the procedure on the school website. We will also take the opportunity to mention the procedure, and how to access it, periodically in:

- Information given to new parents when their children join the school.
- Information given to children themselves.
- School bulletins or newsletters
- Information given to community users and in letting agreements.

1.2 It is important that parents, carers and others with regular contact with the school know how to raise concerns they may have, get concerns acknowledged and redress made where appropriate. It is also in the school's interest to ensure those with contact with the school can readily identify any shortcomings or failings in the school's actions, so that lessons can be learned and necessary improvements be made.

1.3 Where learning arises from consideration of complaints, the school will consider the implications of this for its complaints procedure, and make revisions as may be required. Any significant updating or revisions to the procedure will also be highlighted using the means identified above.

1.4 Hayfield School acknowledges that making a complaint is usually not lightly done. It will do all it can to respond promptly and openly to concerns raised. There should be no adverse consequence, practical or reputational, for anyone raising a complaint, or for any involved child. If there is any suggestion that there has been, this should be raised with the school immediately. This will be taken very seriously and can be treated as a complaint itself, depending on the circumstances.

1.5 This is notwithstanding provisions made in Appendix 4 on dealing with unreasonable complainants

2. Managing Complaints

1.1. Principles

2.1.1 Staff and Governors at Hayfield school are committed to have an effective Complaints Procedure which will:

- Encourage **informal** resolution wherever possible and practicable.
- Be easily **accessible** and **publicised**.
- Be **simple** to understand and use.
- Be **impartial**.
- Be **non-confrontational**.

- Allow **swift** handling with established **time-limits** for action and keeping people informed of progress.
- Ensure a full and **fair** investigation.
- Respect and ensure **confidentiality**.
- Address all the issues and provide an **effective** response and **appropriate** redress where necessary.
- Provide **information** to the school's senior management team so that services can be improved.

2.2 Investigating Complaints

2.2.1 The role of the person investigating the complaint in Formal Stages 1 and 2 is to:

- Establish what has happened so far, and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Contact the complainant and determine whether clarification or further information is needed. Arrange to meet if necessary.
- Ascertain what the complainant feels would put things right.
- Interview the person who is the subject of the complaint and any other people involved. They can be accompanied if they wish.
- Conduct interviews with an open mind to find out facts not judgements and be prepared to persist in the questioning.
- Keep notes of all interviews or arrange for an independent note-taker to take notes.
- Analyse information
- Identify solutions and recommend courses of action to resolve problems.
- Be mindful throughout of the timescales in which to respond, and
- Respond to the complainant in plain and clear language, and;
- Come to clear evidence-based decisions on the merits of the complaint or each element of the complaint if there are several.

2.2.2 In interviewing the parties to a complaint (complainant, witnesses, staff) the investigator should:

- Explain the complaint and the investigator's role clearly to the interviewee and confirm their understanding of the complaints procedure and their role in it.
- Ensure any 'supporters' in interviews (.e.g of complainant, or staff) are not anyone likely to be interviewed themselves, including their line manager.
- Use open (e.g. 'what, where, when, how, why?' questions.
- Ask single not multiple questions, i.e. one question at a time.
- Not express opinions in words or attitude.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Not be afraid to ask the same question twice, if a first answer is not sufficient.

- Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh, and enter this in the complaint record. The complainant has a right to copies of these records under the Freedom of Information and Data Protection Acts.

2.2.3 The role of an investigator can be challenging. There may be several elements to a complaint, tensions between the parties, available facts may be contradictory or unclear, and the investigator may not have undertaken the role before. It is important, therefore, that investigators should feel able to discuss their investigation, and issues arising, with an independent, supportive third party if they wish to. In the case of staff investigators, this is likely to be Hayfield school's Complaints Co-ordinator (the Headteacher). Where the investigator is the Headteacher or Chair of Governors, approaches can be made to their peers in neighbouring schools, without identifying complainants.

2.2.4 It may become clear to an investigator that there is scope, from views shared by either or both the complainant and school, to resolve quickly the matter prompting the complaint. If that is so, the investigator should communicate that to the parties, whose responsibility it is to come to any resolution possible. It is not the investigator's role to mediate or negotiate between complainant and school: the investigator has no remit to do this. Attempting such mediation is very likely to complicate, confuse and delay completion of the investigation.

2.3 Resolution of Complaints

2.3.1 Complaints can be resolved in a number of ways. This will depend on the details of each complaint. It is useful at the outset to encourage complainants to indicate what actions they feel might resolve the problem. Where areas of agreement can be established, this helps create a positive atmosphere in which to discuss outstanding issues.

2.3.2 The most straightforward finding is that the complaint is valid (upheld) or is in part valid (upheld in part) or is not valid. Where the complaint has several elements, it is likely to be necessary to come to a finding, if that is possible, on each element.

2.3.3 It may, however, not be possible – for lack of information or the persistence of contradictory facts – for an authoritative finding to be made. This has also to be set out clearly. The complainant can, at Formal Stages 1 and 2, pursue their complaint to the next stage of the procedure if they wish to.

2.3.4 Where complaints are upheld in whole or in part, the school will respond in one or more ways, depending on the circumstances:

- By making an apology.
- By explaining why what happened did.
- By acknowledging the situation could have been handled differently or better.
- By giving an assurance that the event complained of will not recur.
- By setting out the steps taken to ensure that it will not happen again.

- By undertaking to review school policies in light of the complaint.

2.3.5 An admission that the school could have handled the situation better is not the same as an admission of negligence.

2.4 Role of The Complaints Panel

2.4.1 Governors sitting on the Complaints Panel need to be aware and have a copy, of the Complaints Procedure. They need to be familiar with its provisions. The school will ensure that arrangements have been made for the hearing to be minuted by the clerk to governors or other appropriate person. The governors must determine who will chair the meeting and distribute an agenda. The procedure for panel meetings is set out at page 6 of the complaints procedure.

2.4.2 The Complaints Panel's role is to:

- Consider the complaint in an independent and impartial way and be seen to do so.
- Consider the complaint in private, confidentially and in a timely manner.
- Ensure that the proceedings are as welcoming as possible and that the layout of the room will ensure the setting is businesslike but not adversarial.
- Acknowledge that a complainant may feel nervous and inhibited in a formal setting, and that parents may feel emotional when discussing an issue that affects their child.
- Give the parent(s) of a child the opportunity to say which parts of the hearing, if any, their child needs to attend.
- Make clear to the complainant the context in which the Panel operates and that its decision(s) is final.
- Give the views of children equal consideration to those of adults.
- Establish the facts and make recommendations which will satisfy the complainant that the complaint has been taken seriously.
- Resolve the complaint and contribute to reconciliation between the school and the complainant where this is possible.
- Ensure the Panel's findings are communicated clearly and promptly to the complainant and all relevant parties.
- Recognise the complainant might not be satisfied with the outcome if it does not find in their favour.
- Identify any issues arising in the consideration of a complaint which may require review or change in the school's complaints procedure, or other action by the school

2.5 Role of the Panel Clerk

2.5.1 At Hayfield school, the Panel Clerk is likely to be the Clerk to the Governors.

2.5.2 The Clerk is the contact point for the complainant for the panel meeting. The Clerk's duties involve:

- Advising the complainant that they are the contact for practical arrangements for the Panel meeting;

- Setting and confirming the date, time and venue of the panel meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collating any 'complaints record' and sending written material to the parties in advance of the hearing;
- Meeting and welcoming the parties as they arrive at the meeting;
- Recording the proceedings of the Panel meeting;
- Circulating the minutes of the panel hearing;
- Notifying all parties of the panel's decision;
- Liaising with Hayfield School's Complaints Co-ordinator (the Headteacher) and ensuring that the proceedings of the panel meeting and its decision(s) are located with the 'complaints record'..

2.6 Time Limits

2.6.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible.

2.6.2 The time limits set out in the procedure and Appendix 1 will be adhered to wherever possible: they should be seen as the standard or default period within which required actions are undertaken. Where, unusually, it is necessary to extend the time within which a specific action is completed, this should be communicated in advance and confirmed in writing – with the reasons - to all parties, and a revised time limit set.

2.7 Recording Complaints

2.7.1 The Headteacher maintains a confidential record of the nature and progress of all complaints, when they were made, and their final outcome.

2.7.2 Where a formal complaint is made and an investigation undertaken, the school will set up a 'complaint record' which will include:

- The original complaint;
- Notes of all meetings, telephone calls and interviews held as part of the investigation;
- The findings and recommendation of an investigation;
- Written communications summarising the findings;
- Any written response made to the findings by the complainant, including any commitment to make use of further stages of the complaints procedure;
- Records of the proceedings of the further stages of the procedure used, including the Governors' Panel;
- Details of determinations made by the further stages of the procedure, and communications of these to the complainant..

2.7.3 The purpose of the confidential 'complaint record' is to ensure all information relevant to a formal complaint received is held together and is readily retrievable. Complainants have a right to access these records under Freedom of Information and Data Protection legislation.

2.8 The Role of Governors/the Governing Body

2.8.1 When a Governor becomes involved in this way s/he cannot take part in any of the formal procedures which may follow, because of their prior involvement in the matter. Governors may, however, be asked, and consider it appropriate to accompany the complainant to a planned meeting with a member of staff or the Headteacher. This would normally only be necessary if the complainant appears uncomfortable about attending a meeting with the member of staff or Headteacher.

2.8.2 The Governing Body wants to monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of their procedure and make changes where necessary. Information about complaints presented to the Governing Body for monitoring purposes will not name individuals and are reported in very general terms. (e.g. the school received a complaint relating to health and safety which was partly or wholly upheld and therefore the relevant Governor sub- committee will review policy)

2.8.3 The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating a school's performance and contributes to school improvement. As well as addressing an individual's complaints, the process of listening to, and resolving, complaints may identify underlying issues that need to be addressed and ensure more effective school management and routines (e.g. reviewing the anti-bullying policy).

2.8.4 The Governing body will review the school's complaints policy and procedure every two years.

Policy and Procedure for dealing with Unreasonable Complainants

1. Hayfield School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

2. Hayfield School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

3. A complaint may be regarded as unreasonable when the person making the complaint:-
 - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
 - refuses to accept that certain issues are not within the scope of a complaints procedure;
 - insists on the complaint being dealt with in ways which are incompatible with the school's complaints procedure or with good practice;
 - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
 - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - changes the basis of the complaint as the investigation proceeds;
 - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is not valid or has been addressed);
 - refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
 - seeks an unrealistic outcome;
 - makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

4. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-
 - maliciously;
 - aggressively;
 - using threats, intimidation or violence;
 - using abusive, offensive or discriminatory language;

- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as social media websites and newspapers.

5. Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

6. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before determining a complainant is being unreasonable.

7. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

8. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

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

10. If a parent's behaviour is a cause for concern, we can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Such a decision will not be taken lightly, but will be taken in the interests of safeguarding the school staff and pupils. We will always give the parent the opportunity to formally express their views in writing on any decision to impose a bar.

11. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either be confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once our own complaints procedure has been completed, the only remaining avenue of appeal is through the courts: independent legal advice must therefore be sought.