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<b>Procedure:</b>	<b>School Complaints including Persistent Complaints</b>
<b>Procedure Ref:</b>	<b>CMP1</b>
<b>Review Date:</b>	<b>March 2025</b>
<b>Next Review:</b>	<b>March 2026</b>
<b>Authorised by:</b>	<b>Headteacher</b>

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## **Introduction**

### **1.0 Stages of the Procedure**

Whenever a concern is raised with a member of staff or with the Headteacher, the matter will be dealt with swiftly with the intention of resolving the concern to the satisfaction of all parties. Where a concern dealt with has not been resolved to the satisfaction of the person raising the issue, the concern should then be discussed with the Headteacher who will then seek to resolve the matter.

If the person raising the concern remains dissatisfied and wishes to take the matter further, a formal complaints procedure will need to be invoked. The procedures have three stages:

- Stage 1 - Complaint heard by staff member
- Stage 2 - Complaint is heard by the Headteacher
- Stage 3 - Complaint is heard by a Governing Body Complaints Appeal Panel

A complaint that involves alleged misconduct by any member of staff will be dealt with under the separate 'Managing Allegations Against a Member of Staff Procedure'.

### **1.1 Stage 1 – Complaint Heard by Staff Member**

A formal complaint may be made in person, by telephone, email or in writing. For the sake of consistency and record keeping a complaint form is available (see: Appendix 1) and, irrespective of how the complaint is received, the complainant should be encouraged to complete a copy of the form, although this is not a requirement. This should be returned to the school for the attention of the Headteacher.

The views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff should be respected and in these cases, the complainant can be referred to another staff member. Similarly, if the member of staff directly involved feels too comprised to deal with a complaint, the complainant may be referred to another staff member.

The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the complaint concerns the Headteacher, the complainant should be advised to write to the Chair of Governors directly.

At Stage 1 the complaint is dealt with by the member of the school's staff who is designated by the Headteacher to handle the complaint. Their role is to:

- 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;
- explain the complaints procedure and provide a copy for the complainant;
- 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;
- reply to the complainant;
- send a record of the complaint to the complainant.

This process should take no longer than ten working days from the receipt of the complaint. Where further investigations are necessary, new time limits should be set and the complainant sent details of the new deadline and an explanation for the delay. If the first approach is made to a governor, the next step should be to refer the complainant to the appropriate person and advise them about the procedure. If the complaint concerns the Headteacher, the complaint should be referred to the Chair of Governors.

## **1.2 Stage 2 – Complaint Heard by the Headteacher**

If the complainant remains dissatisfied, either that their initial complaint has not been satisfactorily resolved or about the way the complaint was handled at stage one, they may then ask for the complaint to be heard by the Headteacher.

The Headteacher should review the action taken by the designated member of staff and repeat any stage which he/she feels is appropriate. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. This process should be completed within ten days of the complaint being taken to stage 2 and the head will write to the complainant notifying them of the outcome and the next stage of the complaints procedure. Reconciliation should be achieved at this stage. As almost all complaints concern the day to day management of the school, few matters should need to go further.

### **1.3 Stage 3 – Complaint Heard by the Governing Body Complaints Appeal Panel**

If the complainant remains unhappy with the way the matter has been resolved, the complainant should write to the Chair of Governors giving details of the complaint. The Chair will then convene a Governing Body complaints panel. Individual complaints will not be heard by the whole Governing Body at any stage.

The Complaints Appeals Panel will comprise three Governors, selected by the Chair based on an appropriate balance of governors and their availability, and at least one member who is independent of the school. The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

The Clerk to the Governors will:

- set the date, time and venue for a 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, seeking confirmation of receipt of this material;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision

The guidance in Appendix 2 should be followed for the hearing of a complaint: the chair of the complaints panel will ensure that the proceedings are as welcoming as possible. The layout of the room will seek to ensure the setting is informal and not adversarial.

If the Chair has heard the complaint informally as described above, the Chair must not, of course participate in the Panel Hearing. The Panel may choose its own chair. Individual complaints should never be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber stamp previous decisions. The procedure adopted by the Panel for hearing appeals would be part of the school's complaint procedure and is set out in Appendix 2.

## **2.0 Roles and Responsibility**

### **2.1 The Role of Clerk**

The Complaints Appeal Panel should be clerked. The clerk would be the contact point for the complainant at the third stage and be 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 all of the parties in advance of the hearing.
- meeting and welcome the parties as they arrive at the hearing.
- record the proceedings
- notify all parties of the Panel's decision.

## **2.2 The Role of the Chair of the Panel**

Ensure that:

- 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;
- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the issues are addressed;
- key findings of fact are made;
- the hearing is conducted in an informal, although structured, manner, with each party treating the other with respect and courtesy;
- 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 all parties should be given the opportunity to consider and comment on it;
- The Panel is seen to be open minded and acting independently.

## **3.0 The Remit of the Complaints Appeal Panel**

The Panel needs to firstly consider whether the complaint/appeal is:

- in relation to a decision taken by the Headteacher/member of school staff, or
- whether it is about the way in which a complaint or concern was handled

If the complaint was in relation to a decision taken by the head, the panel will need to clarify whether it was:

- (A) a decision within the Headteacher's professional responsibility or
- (B) it is an area where the governing body have responsibility, or share responsibility but have delegated this to the Headteacher.

If the complaint relates to (A), the panel can:

- consider the manner in which the complaint was addressed, but not consider an alternative outcome
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

If the complaint relates to (B), or purely to the way in which a complaint or concern was handled, 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

#### **4.0 Notification of the Panel's Decision**

The Chair of the Panel should ensure that the complainant and the Headteacher are notified of the Panel's decision, in writing, within 5 working days. The letter needs to explain that any further appeal should be addressed to the Secretary of State. The full governing body will be notified of the Appeal Panel's findings. This concludes the role of the Complaint Appeal Panel.

#### **5.0 Monitoring Complaints**

The Headteacher will monitor written complaints and produce an annual report for the Governing Body.

#### **6.0 The School's Actions in Cases of Persistent Complaints**

The School's Complaint Procedure sets out standards of behaviour expected of all people on the schools site. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the School's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Procedure also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the school

- considering a ban from the school premises
- considering applying for an Anti-Social Behaviour Order
- considering legal action

- 6.1 The school will take the following consecutive steps as necessary if the complainant's behaviour is not modified:
- a) verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and may be considered to fall under the terms of this policy.
  - b) inform the complainant in writing that his/her behaviour is now considered by the school to be becoming unreasonable/unacceptable (Model Letter 1).
  - c) inform the complainant in writing that his/her behaviour is now considered by the school to fall under the terms of this policy (Model Letter 2) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (Model Letter 3).
  - d) inform the complainant that, except in emergencies, all communication from the complainant to the school should be carried out in writing (Model Letter 4).
  - e) in the case of physical or verbal aggression) consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban. (Advice is available from Wirral Borough Solicitor).
  - f) consider taking advice from Wirral LA on requesting an Anti-Social Behaviour Order.
  - g) consider taking advice from Wirral LA on pursuing a case under Anti-Harassment legislation.
- 6.2 Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Persistent Complaints/Harassment Policy. In these circumstances advice may be sought from the LA.
- 6.3 If a complainant's persistent complaining/harassing 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 at an appropriate level. In these circumstances advice may be sought from the LA.

## **7.0 Review**

The school will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

This policy is written and administered with due regard to our duty and commitment as a school to consider all aspects of equality and diversity.

## Appendix 1

### Clare Mount Specialist Sports College

#### School Complaint Procedure

#### Complaint Form

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

Your name:
Pupil's name:
Your relationship to the pupil:
Address:
Postcode:
Daytime 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:

## **Appendix 2**

### **Clare Mount Specialist Sports College**

#### **School Complaint Procedure**

##### **Checklist for a Panel Hearing**

The Panel needs to take the following points into account:

- the hearing, while structured, is conducted informally 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 Headteacher may question both the complainant and the witnesses after each has spoken.
- the Headteacher 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 may ask questions at any point.
- the complainant is then invited to sum up their complaint.
- the Headteacher 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 timescale.

**Informing a complainant that his/her behaviour is considered to fall below a reasonable/acceptable standard**

Dear .....

This letter is to inform you that the school considers your actions in ..... on ..... when you ..... to be below the standard expected of visitors.

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers.

We are aware that you have raised some concerns, and would advise you that these can be addressed by/the school is addressing these by .....

At the moment we are dealing with these issues at stage ..... of the School's Complaint Procedure.

Please note that the School's Complaint Procedure sets out standards of behaviour expected of all people on the schools site. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the School's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Procedure also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the school
- considering a ban from the school premises
- considering applying for an Anti-Social Behaviour Order
- considering legal action

I would ask that you allow the school time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

I am confident that you will respect our need to maintain a calm and welcoming environment at all times.

Yours sincerely

(Headteacher)

**Model Letter 2**

**Informing a complainant that his/her behaviour is now considered to fall under the terms of the persistent complaint procedure**

Dear .....

You will recall that I wrote to you on ..... telling you that we felt your behaviour in ..... on .....when you .....was below the standard we expect of visitors.

I am now writing to inform you that your behaviour in ..... on ..... when you ..... has now led us to apply, for the foreseeable future, the School's Persistent Complaint Procedure.

Please be aware that, should you be responsible for any further unacceptable behaviour in connection with the school, some or all of the following, actions may be taken:

- making special arrangements for you to meet staff and communicate with the school
- considering banning you from the school premises
- considering applying for an Anti-Social Behaviour Order
- considering legal action against you

If you wish to make a representation about the contents of this letter, please do so in writing to me at the school by .....

I do hope that the difficulties can now be quickly resolved.

Yours sincerely

Headteacher

**Informing a complainant that special arrangements will be made for him/her to meet members of staff**

Dear .....

Following my letter to you of ..... informing you that we felt your recent behaviour in connection with the school to be unacceptable/unreasonable and that we now considered you to be subject to the School's Persistent Complaint Procedure, I am now writing to outline for you the arrangements we have made regarding meetings at the school.

For the foreseeable future, should you wish to meet with a member of staff, we would ask you to note:

- a) this meeting will be arranged with a written appointment as soon as possible, and with a third party present
- b) in the interests of all parties, formal notes of this meeting may be made.

These arrangements do not apply, of course, to any emergencies concerning ....., which should be reported to the school in the usual way.

I thank you for your forbearance in this matter, and do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher

**Requesting that future communication should be by letter only**

Dear .....

You will recall that I wrote to you on ..... informing you that we felt your recent behaviour in connection with the school to be unacceptable/unreasonable and that we now considered you to be subject to the School's Persistent Complaint Procedure.

**I am now requesting that, for the foreseeable future, all routine communication with the school should be by letter only.**

Please address all letters to ..... at the school. We shall respond as quickly as possible.

This request does not apply, of course, to any emergency involving..... in which cases you should contact the school in the usual way or to parents' evenings, which will continue as in the past, but with a third party present. I do hope that we can resolve the on-going difficulties as soon as possible.

Yours sincerely

Headteacher