



**Westcliff High School**  
for Boys

**COMPLAINTS POLICY  
AND PROCEDURE**

<b>REVIEWED:</b>	<b>Summer 2021</b>
<b>COMMITTEE:</b>	<b>Teaching Quality &amp; Pastoral</b>
<b>DATE OF NEXT REVIEW:</b>	<b>Summer 2023</b>

## INTRODUCTION

The Governing Board of Westcliff High School for Boys is committed to ensuring that the highest standards are maintained at the School, both in the provision of education to pupils and in every other aspect of the running of the School.

A Complaints Policy and Procedure is an important part of the management of a well-run school, allowing parents and others as appropriate the opportunity to voice any concerns they may have through relevant channels.

As required by legislation, this Policy and Procedure explains the process, which has been adopted by the Governing Board to ensure a timely, systematic and fair approach to the resolution of such concerns.

This Policy and Procedure is available on the School website and hard copies can be made available on request to the School.

## SCOPE OF THIS POLICY AND PROCEDURE

This Policy and Procedure does not cover certain specific types of complaints, which are dealt with under separate procedures. These include:

- Any complaint relating to Child Protection. (These will be addressed in accordance with the School's Safeguarding and Child Protection Policies. If you have serious concerns, you can contact the Local Authority Designated Officer (LADO) at your Local Authority (LA) for them to handle.)
- SEN complaints – addressed under the SEN procedures ([published on the School website](#)).
- Admissions – addressed under the Admissions and Admissions Appeals Procedure ([published on the School website](#)).
- Pupil exclusions – addressed under the School's Behaviour Policy/Exclusion Policy ([published on the School website](#)). Further information on raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions)
- Complaints by staff – addressed under the School's Internal Grievance Procedure or other Personnel Policies.
- Complaints about staff – investigated under the School's Internal Staff Disciplinary Policy, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
- Whistle blowing – (matters of impropriety, e.g. a breach of law, School procedures or ethics) addressed under the School's Whistle Blowing Procedure.
- Complaints against services provided by third party hirers/users of the School premises – the School will direct the complainant to the external provider's own complaints procedures.

## **OBJECTIVES AND TARGETS**

To be effective, our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicized;
- be simple to understand and use;
- be impartial;
- be compliant with the School's obligations under current legislation;
- be non-adversarial;
- allow a response 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 as appropriate;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the School's Senior Team so that services can be improved where necessary.

## **WHO CAN MAKE A COMPLAINT?**

As the Complaints Policy is based upon Part 7 of the Education (Independent School Standards) Regulations 2014, it only applies to complaints from parents/carers of pupils at the School, regarding their child. Where complaints are not within the scope of this policy, the School will advise on the appropriate procedure to ensure that a complainant is dealt with respectfully and expediently.

## **HOW TO RAISE A CONCERN OR MAKE A COMPLAINT**

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

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

The School understands, however, that there are occasions when people would like to raise their concerns formally. In this case, the School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

The School recognises the need to be clear about the difference between a concern and a complaint. Taking concerns seriously at the earliest stage reduces the numbers that develop into formal complaints and the School aims to ensure that concerns are handled, if at all possible, without the need for formal Complaints Procedures.

A concern or complaint can be discussed in the first instance (see below). They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent in writing to do so.

Complaints against School staff (except the Headmaster) should be made in the first instance, to the Headmaster via the School Office. Please mark them as Private & Confidential.

Complaints that involve, or are about, the Headmaster, should be addressed to the Chair of Governors, via the School Office. Please mark them as Private & Confidential.

Complaints about the Headmaster, a Governor/s or a Member/s – Governing Board will investigate and consider the appropriate procedure to follow.

The template complaint form, which is included at the end of this Procedure, must be used for complaints. If you require help in completing the form, please contact the School Office. You can also ask a third-party organization, for example the Citizens Advice, to help you.

In accordance with Equality Law, the School will consider making reasonable adjustments if required, to enable complainants to access and complete this Complaints Procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

The School will attempt to resolve parental concerns informally, calmly and quickly with the class teacher/Form Tutor/Progress Leader/Head of Department/Director of School before being referred to the Headmaster.

The School's formal Complaints Procedure is only necessary if efforts to resolve the concern informally are unsuccessful. The informal stage of the procedure will be applied before the matter is referred to the formal stage, at which point a complaint form is issued (see Appendix 2), together with a copy of the School's Complaints Procedure guidance.

At this point, it will be referred to the Headmaster (see below – formal Stage 2 of the Procedure).

## **Role of Governors in the Complaints Procedure**

Individual Governors should not allow themselves to be approached by parents or members of the public who raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the formal procedure (see below).

## **Complaints made during School Holidays**

Complaints made outside of term time will be deemed to have been received on the first School day after the holiday period.

## **TIMESCALES**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The School will consider complaints made outside of this time frame if exceptional circumstances apply.

If other bodies are investigating aspects of the complaint, for example, the Police, Local Authority (LA) Safeguarding Teams or Tribunals, this may impact upon the School's ability to adhere to the timescales within this Procedure or result in the Procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the School in relation to their complaint, the School will consider whether to suspend the Complaints Procedure until those legal proceedings have 4 concluded.

## **RESOLVING COMPLAINTS**

There are three stages in the School's Complaints Procedure. See Appendix 1 for a flow chart. At each stage in the Procedure, the School will remain mindful of ways in which a complaint can be resolved. The School encourages complainants to state what actions they feel might resolve the problem at any stage.

At all times, the School will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

## **STAGES**

### **Stage 1 – Informal – Complaint heard by Staff Member**

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

Most parental concerns can be adequately resolved by discussion with the class teacher/Form Tutor/Progress Leader/Head of Department/Director of School or with other members of staff.

At the end of a meeting, or telephone call, the member of staff will ensure that the complainant and the School have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record. You will be given a written response.

The concern or complaint at this stage should be resolved within 15 School days. However, if the concern is not met to the complainant's satisfaction by discussion, or if the complainant does not wish to go through an informal procedure, and if the complainant wishes to take the matter further, they are requested to complete the Complaints Form (Appendix 2) and return it to the School within 15 School days. The Headmaster is then informed and Stage 2 is implemented.

### **Stage 2 – Formal – Complaint heard by Headmaster or Senior Team Member**

Once a formal complaint has been received, the School's cut-off timeframe will apply to both parties. However, the School will consider exceptions to this time-frame from both parties if necessary.

The following procedure applies:

- The complainant puts the complaint in writing using the Complaints Form (Appendix 2).
- The initial recipient of the complaint will refer the matter to the investigator, e.g. the Headmaster or to a designated member of the Senior Team.
- The Headmaster, or a designated member of the Senior Team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The Headmaster or designated member of senior staff will consider the complaint but it will be the Headmaster who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within 15 School working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

## **For complaints against the Headmaster, Governors or Members**

- Complaints against the Headmaster will usually be received by the Chair of Governors and dealt with by the Governing Board. External support may be required to support any investigation.
- Complaints about a Governor/s or a Member/s should be sent to the Clerk to the Governing Board (marked private and confidential) and the Governing Board will investigate and consider the appropriate procedure to follow.
- The individual responsible for addressing the complaint will decide what action is required and respond to the complainant with the outcome of the investigation, normally within 15 School working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.

The outcome letter should include the complainant's right of appeal to Stage 3 of the procedure.

### **Stage 3 – Formal – Governors' Complaints Appeal Panel Meeting**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a Panel Meeting consisting of at least three people who were not directly involved in the matters detailed in the complaint. One Panel member who is independent of the management and running of the School must sit on the Panel.

A request to escalate to Stage 3 must be made to the Clerk to the Governing Board, via the School Office, within 15 School days of receipt of the Stage 2 response. Requests received outside of this time-frame will only be considered if exceptional circumstances apply.

The Clerk to the Governing Board will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five School days.

The purpose of the Appeal Panel Meeting is to review how the School has managed the complaint, not to re-investigate the complaint itself. This will include reviewing evidence and outcomes from Stages 1 and 2 and evaluating whether the School has followed its policies and procedures.

The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the Procedure. This is the final stage of the School's Complaints Procedure.

The Panel should also give consideration to achieving reconciliation between the School and complainant, although it has to be recognised that this is not always possible. Mediation may be suggested as a means of addressing the concerns.

### **Arranging the Appeal Meeting**

The Clerk to the Governing Board will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 25 School days of receipt of the Stage 3 request (this time-frame is necessary to allow sufficient time to firstly convene a meeting and then provide adequate notice for the complainant and time to both gather, submit material and then circulate any additional papers. If it is not possible to convene the meeting within 25 School days, the Clerk to the Governing Board will provide an anticipated date and keep the complainant informed.

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

A complainant may bring someone along to the Panel Meeting to provide support. This can be a relative or friend. Generally, the School does not encourage either party to bring legal representatives to the Committee Meeting. However, there may be occasions when legal representation is appropriate. For instance, if a School employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under Staff Disciplinary Procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

The Clerk to the Governing Board will:

- confirm and notify the complainant of the date, time and venue of the meeting (at least 15 days in advance), ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
- request copies of any further written material to be submitted to the Panel at least 10 School days before the meeting. The complainant is responsible for submitting their own additional paperwork to the Panel.

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

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

It is not appropriate for a child/pupil to attend the meeting.

## **Outcome of the Appeal**

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

- uphold the complaint in whole or in part;
- dismiss the complaint in whole or in part.

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

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

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

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

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

The Panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the School premises by Chair of Governors and the Headmaster.

## **Recording Complaints and Confidentiality**

The School will maintain a written record of the progress of all complaints from initiation, through formal and appeal processes (where necessary) to the final outcome and the record will include the action taken by the School as a result of the complaint regardless of whether they are upheld or not.

Findings of individual complaints will be made available to the complainant and, where relevant, the person complained about. They will be available for inspection on the School premises by the Chair of Governors and Headmaster. They will be kept confidential except where the Education Secretary or Body conducting an Inspection (OFSTED) requests access to them.

## **If the Complainant is still not Satisfied**

If the complainant is still not satisfied after all the processes of the Complaints Procedure have been undertaken or tries to re-open the same issue, the Chair of Governors will inform them in writing that the Procedure has been exhausted and any further contact from the complainant on the same issue is likely to be ignored by the School.

If the complainant wishes to take the complaint further, the ESFA can be contacted after they have completed Stage 3.

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

The ESFA can consider whether:

- there has been undue delay in the proceedings;
- the Procedures in the School's Policy, and other relevant Policies, were followed correctly;
- the School has complied with its funding agreement with the Education Secretary;
- the Policy meets all legal requirements.

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

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

## **Unreasonable and/or Persistent Serial Complaints**

Members of staff recognise that complainants may sometimes act maliciously. Equally, a complainant may act out of character in times of stress, anxiety or distress and the School will make reasonable allowances for this. However, all instances of unacceptable behaviour such as harassment, aggressive verbal or physical abuse at any time will be documented and this may result in the complaint being dealt with only through written communication thereafter.

The School is committed to dealing with complaints fairly and impartially and to providing a high quality service to those who do complain. However, the School does not expect its staff to accept unreasonable complaints.



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 adopted Complaints Procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds.

A complaint will be considered unreasonable if the person making the complaint does so face-to-face, by telephone, in writing or electronically in a way that could be described as:

- malicious;
- aggressive, using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- by publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Where aggression or abusive behaviour has been used, the School may have to:

- ask them to leave the School premises;
- Inform the Police;
- If necessary, bar them from being on School premises. The School will give the complainant the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the complainant and either confirmed or lifted. If the bar is confirmed, the complainant will be given an explanation as to how long the bar will be in place.

### **Serial or Persistent Complaints**

The School does not normally limit the contact complainants have with the School but it is not helpful if repeated correspondence is sent or repeated requests for meetings are made while a complaint is being progressed.

Such situations may occur when the complainant:

- 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/or by telephone while the complaint is being dealt with;
- 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 ESFA;
- seeks an unrealistic outcome.

Where complainants excessively contact the School, causing a significant level of disruption, the School may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

If a complaint is investigated according to the School's Policy but not to the satisfaction of the complainant, who then tries to reopen the same issue, the Chair of the Governing Board will inform them in writing that the Procedure has been exhausted and that the matter is now closed.

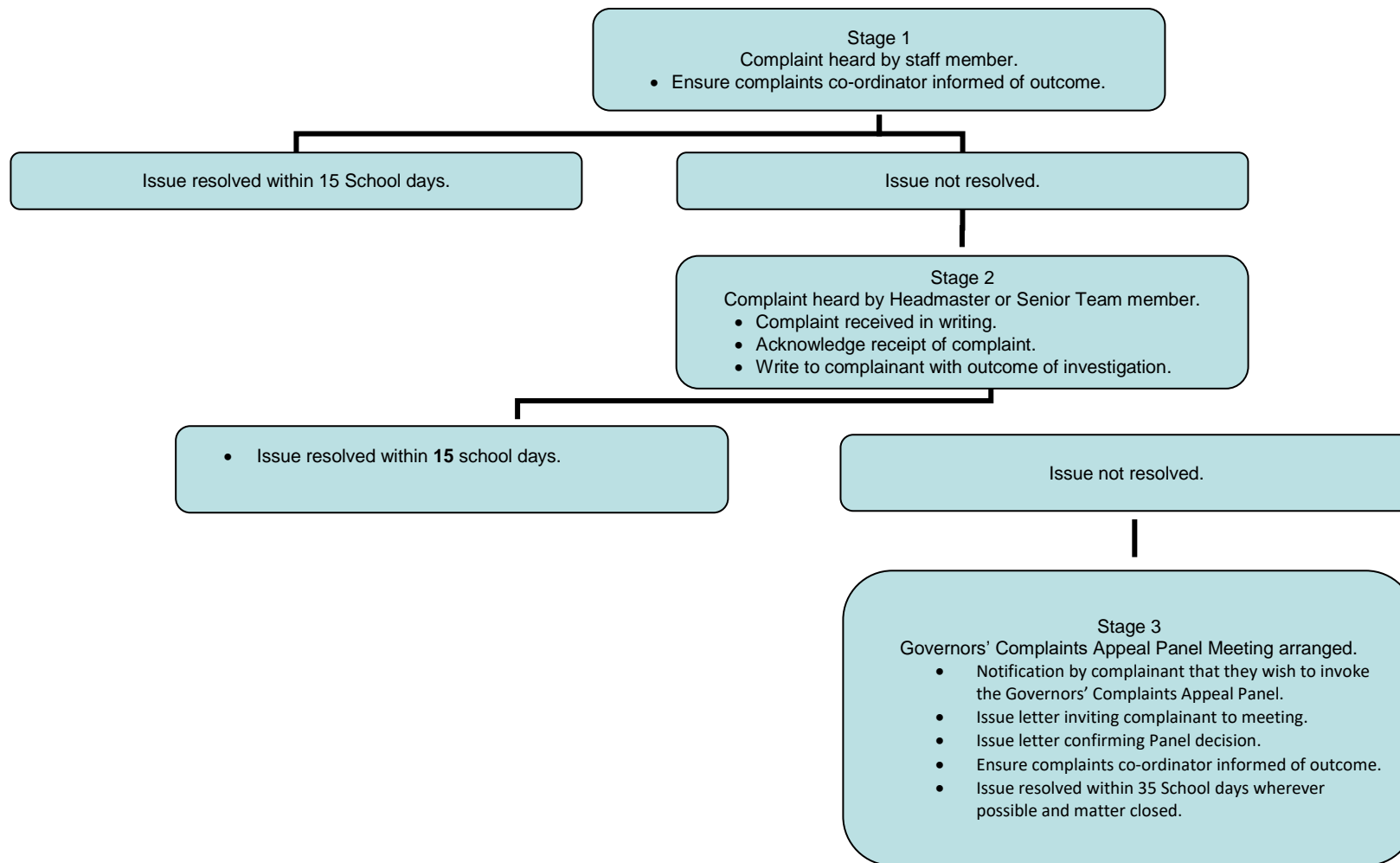
The same applies to 'duplicate' complaints by a relative or friend of a previous complainant who seeks to re-open a closed issue.

### **Monitoring, Evaluation and Confidentiality**

All written complaints are kept confidential. However, the Governing Board will monitor the level and nature of complaints using the records kept by the School. Wherever possible, complaints information shared with the whole Governing Board will not name individuals. The Policy will be evaluated in the light of complaints made and their resolution in order to contribute to School improvement.

Should the ESFA advise the School that the Policy or Procedures need to be amended, these will be effected as soon as possible. Where changes in legislation require changes to the Policy, these will also be introduced as soon as possible.

# APPENDIX 1: FLOWCHART FOR THE COMPLAINTS PROCEDURE



If there is no resolution after Stage 3, the complainant will be advised of how to take their complaint further if they so wish.

# APPENDIX 2: COMPLAINTS FORM

*Please complete and return to the Clerk to the Governing Board 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: .....

Email Address:

Please give details of your complaint: .....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

What action, if any, have you already taken to try and resolve your complaint?  
(To whom did you speak 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 whom: .....

Complaint referred to: .....

Date: .....

## **APPENDIX 3: CHECKLIST FOR A PANEL MEETING**

The Governors' Complaints Appeal Panel needs to take the following points into account:

- the Meeting is as informal as possible;
- witnesses are only required to attend for the part of the Meeting in which they give their evidence;
- after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;
- the Headmaster may question both the complainant and the witnesses after each has spoken;
- the Headmaster is then invited to explain the School's actions and be followed by the School's witnesses;
- the complainant may question both the Headmaster 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 Headmaster 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.

# APPENDIX 4: UNREASONABLE COMPLAINTS – ONGOING PROCEDURE

Westcliff High School for Boys  
Kenilworth Gardens  
Westcliff-on-Sea  
Essex SS0 0BP

(Date)

Dear Mr/Mrs/Miss/Ms,

**Re: [Nature of Complaint]**

Further to your recent contact with the School in connection with your on-going complaint about ..... I ask for your co-operation while the complaints procedure is in process.

Westcliff High School for Boys is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The School will not normally limit the contact complainants have with the School. However, the School does not expect its staff to tolerate unacceptable behaviour and will take action to protect them from such behaviour, including that which is abusive, offensive or threatening.

Westcliff High School for Boys defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the School, hinder its consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

*(Choose from the list of bullet points below according to nature of the problem)*

- 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 adopted Complaints Procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- 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/or by telephone while the complaint is being dealt with.

I ask you to please limit the numbers of communications with the School while your complaint is being progressed. It is not helpful if repeated correspondence is sent (by letter, phone, email or text) because it could delay the outcome being reached. If you continue to contact the School excessively, causing a significant level of disruption to staff, I may have to specify the mode and number of communications that will be considered acceptable.

A complaint may also be considered unreasonable if the person making the complaint does so face-to-face, by telephone, in writing or electronically:

*(Choose from the list of bullet points below according to the nature of the problem)*

- maliciously;
- aggressively, using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- by publishing unacceptable information in a variety of media such as in social media websites and newspapers.

*Where aggression has been used add:*

Please desist from using aggressive, abusive behaviour against the School staff or I may have to

- ask you to leave the School premises;
- inform the Police;
- If necessary, bar you from being on School premises, which I have the right to do.

We do want to resolve your complaint but please let us do so by working to the schedule of the procedure and peacefully.

Yours sincerely,

Headmaster



# APPENDIX 5: UNREASONABLE COMPLAINTS – PROCEDURE COMPLETED

Westcliff High School for Boys  
Kenilworth Gardens  
Westcliff-on-Sea  
Essex SS0 0BP  
(Date)

Dear Mr/Mrs/Miss/Ms,

Re: [Nature of Complaint]

Further to your recent contact with the School after the decision of the complaints appeal panel, and having advised you of the steps you could take if you were still unsatisfied with that decision, I write a final letter to you to ask that you refrain from contacting the School on substantially the same matter which, having been dealt with thoroughly and reasonably through all the School's complaints procedure, I now consider to be an unreasonable complaint.

Westcliff High School for Boys 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 them from such behaviour, including that which is abusive, offensive or threatening.

Westcliff High School for Boys 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'.

A complaint may be regarded as unreasonable when the person making the complaint:

*(Choose from the list of bullet points below according to nature of the problem)*

- 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;
- 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 accept that certain issues are not within the scope of a Complaints Procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted Complaints Procedure or with good practice;
- 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/or by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so face-to-face, by telephone, 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.
- by publishing unacceptable information in a variety of media such as in social media websites and newspapers.

*(Where aggression has been used add)*

Please desist from using aggressive, abusive behaviour against the School staff or I may have to:

- Ask you to leave the School premises;
- inform the Police;
- if necessary, bar you from being on School premises, which I have the right to do.

Once again, I now ask you to desist from contacting the School in connection with this complaint.

Yours sincerely,

Headmaster

# APPENDIX 6: ROLES AND RESPONSIBILITIES

## Roles and Responsibilities

### Complainant:

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

- Explain the complaint in full as early as possible.
- Co-operate with the School in seeking a solution to the complaint.
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator:

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - consideration of records and other relevant information;
  - analysing information;
  - liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.
- The investigator should:
  - conduct interviews with an open mind and be prepared to persist in the questioning;
  - keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
  - ensure that any papers produced during the investigation are kept securely pending any appeal;
  - be mindful of the timescales to respond;
  - prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headmaster or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### Clerk to the Governing Board:

The Clerk to the Governing Board is the contact point for the complainant and the panel and should:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to School complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- Collate any written material relevant to the complaint (for example: stage 1 or 2 paperwork, School and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- Record the proceedings.
- Circulate the minutes of the meeting.
- Notify all parties of the committee's decision.

## **Panel Chair:**

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

- Both parties are asked (via the Clerk to the Governing Board) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- Notify all parties of the committee's decision.
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- Complainants who may not be used to speaking at such a meeting are put at ease.
- The remit of the committee is explained to the complainant.
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If an exceptional matter arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.

- Both the complainant and the School are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- The issues are addressed.
- The meeting time is not excessive
- Key findings of fact are made.
- The panel is open-minded and acts independently.
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- The meeting is minuted.
- They liaise with the Clerk to the Governing Board.

## **Panel Member:**

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so.
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the School and the complainant.
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting.
- Parents/carers often feel emotional when discussing an issue that affects their child.
- Pupils will not attend meetings however the welfare of the child/young person is paramount.