

# Complaints Policy & Procedure

## 1. Introduction

- 1.1. Parents/carers, students and members of the wider community should feel that there are clear and open lines of communication and that concerns or complaints are dealt with effectively and efficiently by the Headmaster and his staff.
- 1.2. Questions and concerns may arise from time to time and the School will endeavour to act promptly, sensitively and appropriately to resolve matters which may arise. However, there may be times when individuals consider that their concerns have not been dealt with as properly as they may wish and they may choose to make a complaint. This policy sets out how complaints can be made and how the person making the complaint can expect it to be dealt with.
- 1.3. The policy is the School's complaints policy.<sup>1</sup> It aims to:
  - 1.3.1. Provide a transparent and straight forward process for dealing with complaints, both formally and informally;
  - 1.3.2. Encourage the resolution of problems by informal means wherever possible;
  - 1.3.3. Ensure that all those who complain are treated fairly, consistently, efficiently and effectively;
  - 1.3.4. Ensure that complaints are dealt with within a given period of time;
  - 1.3.5. Provide a structured process if complaints need to be taken further;
  - 1.3.6. Use information from complaints to improve our service; and
  - 1.3.7. Deal with complaints sensitively, impartially and in confidence;

## 2. What is a complaint?

- 2.1. A complaint is an expression of dissatisfaction however made, about actions or a lack of action.
- 2.2. A complaint is not:
  - 2.2.1. A request for or the submission of information;
  - 2.2.2. A question about a policy or procedure;
  - 2.2.3. A report about an incident; or
  - 2.2.4. Other similar circumstances.
- 2.3. The School recognises that concerns equally require attention and that by paying such attention concerns may be effectively dealt with and not escalate into complaints. A concern may be defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought. Concerns will be dealt with informally and not through the stages of the complaints procedure.
- 2.4. There are certain complaints which fall outside the remit of a Governing Body's complaints procedure, for example, staff grievances or disciplinary procedure. On receipt of any complaint the School will advise whether it can be dealt with under this complaints procedure and if not how it can be dealt with and under what other procedure.

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<sup>1</sup> Under Section 29 of the Education Act 2002 governing bodies of all maintained schools in England have been required to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This policy acknowledges non-statutory Government guidance (Best Practice advice for School Complaints Procedures 2016) in respect of complaints procedures.

- 2.5. Students should speak initially to their Tutor for any worries or concerns about any aspect of their education or to their Housemaster for any matters related to boarding. If they have any other concerns, or they are unable or feel unable to speak to their Tutor or Housemaster, then they should speak to the Deputy Headmaster or to the Chaplain or to the School's Independent Listener but they may then pursue a complaint according to the procedure below.
- 2.6. The School will have regard to DfE advice<sup>2</sup> when dealing with concerns or complaints arising from conflict between estranged parents over the application of parental responsibility.
- 2.7. Anonymous complaints will not normally be investigated under this procedure however any if the matter raised was serious it may trigger the School's own review.
- 2.8. If members of the public or wider community have any concerns regarding any issues associated with the School they should contact the Deputy Headmaster then, if they wish to pursue any matter as a complaint they may do so according to the procedure below and beginning at Stage Four.
- 2.9. Concerns and complaints may equally be considered under the procedures set out in Appendix A and referring to dealing with persistent or vexatious complaints or harassment.

### 3. Confidentiality

- 3.1. It will usually be unhelpful if a complaint is broadcast to the school community or wider therefore the School will treat the matter with a high degree of confidentiality and expect any person who raises a concern or complaint to do the same.
- 3.2. In advising complainants of the outcome of their complaint certain information and/or specific detail may be withheld if its release may be prejudicial to, or be an obstacle to, the fair application of other procedures for example disciplinary or capability procedures, or if it contravenes employment or data protection rights.

### 4. Complaints procedure

- 4.1. The following stages describe what procedures parents/carers should follow when making a complaint.
- 4.2. At each stage the person/s investigating the complaint will make sure that they:
  - 4.2.1. Establish what has happened so far, and who has been involved;
  - 4.2.2. Meet/contact the complainant to clarify the nature of the complaint, what remains unresolved and, if appropriate what the complainant feels would put things right; and
  - 4.2.3. Carry out the appropriate investigations and interviews keeping notes throughout.
- 4.3. At each stage in the procedure the School will look to ways in which a complaint can be resolved and at each stage in the procedure you may be offered the opportunity to discuss how a resolution might be found through discussion.
- 4.4. The procedure has five stages and for each stage verbal or written complaints to be considered by the following people within the school:
  - Stage 1: A member of the School's staff;
  - Stage 2: A senior member of the School's staff;
  - Stage 3: Deputy Headmaster;
  - Stage 4: Headmaster;
  - Stage 5: Governors.

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<sup>2</sup> Understanding and Dealing with Issues Relating to Parental Responsibility, January 2016

- 4.5. It will only be necessary to move to the next stage of the complaints procedure if the complainant is not satisfied with the outcome of the previous stage.
- 4.6. Where the complaints procedure requires the submission of complaints or evidence in writing, or for any response to be sent in writing, and the School are aware, or the complainant or their representative makes the School aware, that there are sufficient grounds to show an alternative method of communication would be more appropriate then an appropriate alternative will be used.
- 4.7. Each stage refers to a time limit however, where further investigations are necessary, new time limits can be set and the complainant will be notified should this be the case and be given an explanation for the delay.
- 4.8. Complaints should not usually 'leap frog' any of the stages, but it may be necessary, for example, if the complaint is about the Headmaster; in which case it can be considered by the Governing Body i.e. at Stage Five, by-passing Stages One to Four.
- 4.9. Schools are only required to consider complaints that have been received within a reasonable time of the incident being complained about unless there is good and valid reason for the delay. Complaints need to be brought to the School's attention as soon as possible as it becomes increasingly difficult to investigate matters with the passage of time particularly, for example, if these investigations require interviews or impartial recollections of what may have been said or done.
- 4.10. If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.
- 4.11. If at any time it becomes apparent that there may be criminal proceedings the complaints process will be halted until any such proceedings are complete.
- 4.12. Stage One: Informal – complaint heard by a member of the school's staff
- 4.12.1. Most concerns can be dealt with quickly and informally by a telephone call, an email or a quick word with the member of staff concerned and without the need for any formal procedure but if a brief discussion does not resolve your concern, or if you do not feel able to speak to a particular staff member, then you should contact:
- Your child's Housemaster (for boarding issues);
  - The Subject Leader (for academic issues); or
  - The Chaplain or the School's Independent Listener for any other issues.
- 4.12.2. You must make it clear to the relevant member of staff that you are invoking the complaints procedure.
- 4.12.3. Informal discussion may be offered to seek an early resolution. In the event that this is unsuccessful the relevant member of staff will respond to your complaint as soon as possible, but within 5 school days of the meeting or within 5 school days of you confirming, in writing, that a meeting is not required.
- 4.12.4. When the investigation is complete, the relevant member of staff will write to you to explain the outcome of your complaint.
- 4.13. Stage Two: Formal – complaint heard by a senior member of the school's staff
- 4.13.1. If you are dissatisfied with the outcome of your complaint after Stage One you may write, within 10 school days of receiving the decision from Stage One, to:
- The Senior Housemaster (for boarding issues);
  - The Second Deputy (for academic issues); or

- The Director of Sixth Form (in his capacity as a member of the Senior Leadership Team) for any other issues.

4.13.2. Your letter must set out your complaint and make it clear to the relevant member of staff that you are invoking Stage Two of the complaints procedure.

4.13.3. Informal discussion may be offered to seek an early resolution. In the event that this is unsuccessful the relevant member of staff will respond to your complaint as soon as possible, but within 5 school days of the meeting or within 5 school days of you confirming, in writing, that a meeting is not required.

4.13.4. When the investigation is complete, the relevant member of staff will write to you to explain the outcome of your complaint.

#### **4.14. Stage Three: Formal – complaint heard by the Deputy Headmaster**

4.14.1. If you are still dissatisfied with the outcome of your complaint after Stage Two you may write, within 10 school days of receiving the decision from Stage Two, to the Deputy Headmaster.

4.14.2. Your letter must set out your complaint and make it clear that you have reached Stage Three of the complaints procedure.

4.14.3. Informal discussion may be offered to seek an early resolution. In the event that this is unsuccessful the Deputy Headmaster will respond to your complaint as soon as possible, but within 10 school days of the meeting or within 10 school days of you confirming, in writing, that a meeting is not required.

4.14.4. When the investigation is complete, the Deputy Headmaster will write to you to explain the outcome of your complaint.

#### **4.15. Stage Four: Formal – complaint heard by the Headmaster**

4.15.1. If you are still dissatisfied after Stage Three of the complaints procedure you may write, within 10 school days of receiving the decision from Stage Three, to the Headmaster.

4.15.2. You may also write to the Headmaster by-passing Stages One to Three where your complaint is of a very serious nature. If the Headmaster considers the complaint not to be of a very serious nature he will write to you explaining this and refer the complaint to the earlier stages of this procedure.

4.15.3. Complaints to the Headmaster must be made in writing, be accompanied by any appropriate documentation, and make it clear that you are invoking Stage Four of the complaints procedure.

4.15.4. The Headmaster will acknowledge your complaint as soon as possible, but within 5 school days and explain what will be done to investigate it. These investigations may often involve other senior staff.

4.15.5. Informal discussion may be offered to seek an early resolution. In the event that this is unsuccessful the complaint will be investigated within 20 school days of the meeting or within 20 school days of you confirming, in writing, that a meeting is not required.

4.15.6. When the investigation is complete, the Headmaster will write to you to explain the outcome of your complaint.

#### **4.16. Stage Five: Formal – complaint heard by Governors**

4.16.1. If you remain dissatisfied after Stage Four you may write, within 10 school days of receiving the decision from Stage Four, to the Chairman of the Governing Body.

4.16.2. You may also write to the Chairman of the Governing Body by-passing Stages One to Four where your complaint is about the Headmaster,

- 4.16.3. Correspondence for the Chairman of the Governing Body should be sent to the Clerk to the Governing Body whose contact details are listed below.
- 4.16.4. Complaints to the Governing Body must be made in writing, be accompanied by any appropriate documentation and make it clear that you are invoking Stage Five of the complaints procedure.
- 4.16.5. The Chairman of the Governing Body will acknowledge your letter within 10 school days and tell you what arrangements have been made for your complaint to be considered.
- 4.16.6. Informal discussion may be offered to seek an early resolution. In the event that this is unsuccessful the Chairman of the Governing Body will arrange for a meeting with a Panel of nominated Governors at which you may be able to explain your complaint. You are entitled to be accompanied by a friend or other advisor at this meeting.
- 4.16.7. The complaint will be investigated within 20 school days of this meeting or within 20 school days of you confirming that a meeting is not required.
- 4.16.8. When the investigation is complete, the Chairman of the Governing Body, or if the Chairman of the Governing Body was not a member of the Panel then the Chairman of the Panel, will write to you to explain the outcome of your complaint.

## 5. Taking a complaint further

If you remain dissatisfied after the stages above you are entitled to refer your complaint to the Local Authority through the Directorate of Children's Services, or in the final instance to the Secretary of State, both of whose contact details are listed below or, for complaints relating to boarding, to Ofsted. Each will investigate your complaint according to their own procedures.

## 6. Complaints about Governors

- 6.1. Complaints against a Governor should be made in writing to the Clerk to the Governing Body and will be managed by the Chair of the Governing Body or, if the complaint is about the Chair of the Governing Body then by the Vice-chair of the Governing Body or another impartial Governor (all referred to below as the Delegated Governor).
- 6.2. Complaints about Governors can only be made in respect of their conduct as Governors and not in any capacity as private individuals outside of school.
- 6.3. The Delegated Governor will acknowledge your letter within 10 school days.
- 6.4. Informal discussion may be offered to seek an early resolution. In the event that this is unsuccessful the Delegated Governor may offer to meet with you to clarify your concern and to seek further information before embarking on their investigation. You are entitled to be accompanied by a friend or other advisor at this meeting.
- 6.5. The complaint will be investigated within 15 school days of this meeting or within 15 school days of you confirming that a meeting is not required.
- 6.6. When the investigation is complete the Delegated Governor will write to you to explain the outcome of your complaint.
- 6.7. If you are not satisfied with the Delegated Governor's response you may, within 10 school days of receipt of the response, request a review of how the complaint was managed. Your request should be in writing and addressed to the Clerk to the Governing Body.
- 6.8. A panel of three Governors will review how your complaint was managed. They will acknowledge your letter within 10 school days and offer informal discussion to seek an early resolution. In the event that this is unsuccessful the Panel may offer to meet with you to clarify your concern and to seek further

information before embarking on their investigation. You are entitled to be accompanied by a friend or other advisor at these meetings.

- 6.9. The Panel will review the complaint within 15 school days of your meeting or within 15 school days of you confirming, in writing, that a meeting is not required. When the review is complete the Chairman of the Panel will write to you to explain the outcome of the review.
- 6.10. In assembling a Panel prior knowledge of an issue does not automatically deem a person ineligible to sit on the Panel however no Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. If there are insufficient impartial Governors to convene a panel of three Governors then independent persons from outside of the school may be asked to sit and you will be notified of who these persons will be.
- 6.11. If any investigations in respect of complaints about Governors involve the need to interview students the School's Designated Safeguarding Lead will carry out the required investigations and report to the Delegated Governor.

## 7. Persistent complaints

- 7.1. If, despite all stages of the procedures having been followed, the complainant remains dissatisfied and tries to reopen the same issue, the Chairman of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant continues to pursue the same issue, or if the complainant at any stage in the complaints procedure behaves in a manner that is deemed to be unreasonable, then the School may consider whether the complaint is persistent or vexatious or if the complainant's actions are a form of harassment. If they consider any of these to be the case they will act in accordance with Appendix A attached and referring to such complaints and behaviour.
- 7.2. Concerns or any other issues which do not become complaints but are continually pursued, or with behaviour in a manner deemed to be unreasonable, will be considered in the same context as persistent and vexatious complaints and harassment if the School consider it appropriate and in such a case they will act in accordance with Appendix A.

## 8. Contact details

Mrs B Hirons  
Clerk to the Governors  
Old Swinford Hospital  
Heath Lane  
Stourbridge  
DY8 1QX

Schools Complaints Officer  
Dudley Metropolitan Borough Council  
Directorate of Children's Services  
Westox House  
Trinity Road  
Dudley  
DY1 1HF

Department for Education  
School Complaints Unit  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Shore Street  
Manchester  
M1 2WD

The Ofsted online complaints form can be found at:  
[www.ofsted.gov.uk/onlinecomplaints](http://www.ofsted.gov.uk/onlinecomplaints).

# Dealing with Persistent or Vexatious Complaints or Harassment

## 1. Introduction

- 1.1. The Headmaster and staff deal with specific complaints as part of their day-to-day management of the School in accordance with the School's complaints procedure as outlined in the main body of this policy.
- 1.2. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing either concerns or complaints. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the School as well as directly or indirectly on the overall well-being of the students or staff in the School. In these exceptional circumstances the School may take action in accordance with this policy and the procedure set out below.
- 1.3. At all times the School aims to:
  - 1.3.1. Uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint;
  - 1.3.2. Support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including volunteers, governors and parents/carers;
  - 1.3.3. Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff.<sup>3</sup>

## 2. Complainants expectations of the School

In accordance with the School's complaints procedure persons who raise either informal concerns or formal complaints with the School can expect the School to:

- 2.1. Communicate how and when concerns can be raised and complaints can be made and the School's procedure for dealing with these;
- 2.2. Respond, with courtesy and respect, within a reasonable time, and in accordance with the School's complaints procedure or if there is any delay to communicate this, to explain the delay and to set out a revised time table for dealing with the matter;
- 2.3. Be available for consultation within reasonable time limits bearing in mind the needs of the students within the School and the nature of the complaint;
- 2.4. Try to resolve problems using reasonable means, and in line with the School's complaints procedure and other policies and practice, keeping complainants informed of progress towards a resolution of the issues raised.

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<sup>3</sup> For the purposes of this appendix staff may include volunteers, Governors, Feoffees and everyone else who has a legitimate interest in the work of the School.

### 3. The School's expectations of Complainants

The School expects persons who wish to raise either informal concerns or formal complaints with the School to:

- 3.1. Treat all school staff with courtesy and respect;
- 3.2. Respect the needs and well-being of students and staff in the school;
- 3.3. Avoid any use, or threatened use, of violence to people or property;
- 3.4. Avoid any aggression or verbal abuse;
- 3.5. Recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond;
- 3.6. Recognise that resolving a specific problem can sometimes take some time;
- 3.7. Follow the School's complaints procedure above.

### 4. Who is a Persistent or Vexatious Complainant?

- 4.1. For the purpose of this policy, a persistent or vexatious complainant is any person:
  - 4.1.1. Who complains, repeatedly complains or frequently raises issues, either formally or informally, that the complainant considers to be within the remit of the School; or
  - 4.1.2. Who persists in pursuing a complaint where the School's complaints procedure has been fully and properly implemented and exhausted at all stages;
  - 4.1.3. Whose behaviour is unreasonable.
- 4.2. Such unreasonable behaviour may be characterised by, but not be limited to, any of the following:
  - 4.2.1. Actions which are obsessive, persistent, harassing, malicious, prolific or repetitious;
  - 4.2.2. Prolific or excessive correspondence, e-mail or telephone contact about a concern or complaint;
  - 4.2.3. Excessive and unreasonable use of Freedom of Information requests;
  - 4.2.4. An insistence upon pursuing trivial or insubstantial complaints and/or expecting unrealistic or unreasonable outcomes;
  - 4.2.5. Changing the substance of a complaint or continually raising further concerns, questions or new issues (but not new complaints) upon receipt of a response;
  - 4.2.6. An insistence upon pursuing complaints in an unreasonable manner;
  - 4.2.7. An insistence on only dealing with the Headmaster or Chairman of the Governing Body irrespective of the issue and the level of delegation in the School to deal with such matters;
  - 4.2.8. An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the School because it is unlawful.
- 4.3. For the purpose of this policy, harassment is, but is not limited to, the unreasonable pursuit of such actions as in 4.2 above and in such a way that they:
  - 4.3.1. Appear to be targeted over a period of time on one or more members of staff; or
  - 4.3.2. Cause ongoing distress to individual members of staff; or
  - 4.3.3. Have a significant adverse effect on the whole or any part of the School community; or

- 4.3.4. Are pursued in a manner which can be perceived as intimidating, bullying, oppressive or aggressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have the cumulative effect over time of undermining confidence, well-being and health.

## 5. The School's actions in cases of Persistent or Vexatious Complaints or Harassment

### Duty of Care

- 5.1. The School has a duty of care to its students and staff. All members of the School's community have the right to work free from abuse, humiliation, harassment, and bullying and the right to feel safe and valued. As much as the School will not tolerate this behaviour from those within its own community neither will it tolerate the same from persons raising concerns or making complaints.
- 5.2. In so far as all concerns and complaints will refer to school matters complainants must not raise any concern or make any complaint to staff or members of the School's community whilst they are outside of school and acting in their capacity as private individuals.
- 5.3. No proceedings in respect of persistent or vexatious complaints or harassment will reflect or impact upon any of the complainants' children in the School.

### Police & other Agencies

- 5.4. Where aggressive or threatening behaviour is displayed or physical assault has taken place the School reserves the right to refer to the police. The School may, if the circumstances so require, contact other relevant agencies in order to comply with their safeguarding duties. This action will be taken, if required, irrespective of the procedures below.

### General procedures

- 5.5. On the basis of evidence to justify his decision the Headmaster<sup>4</sup> may deem a complaint persistent or vexatious or a person a persistent complainant.
- 5.6. The Headmaster will inform the complainant that their behaviour is considered to be becoming unreasonable and unacceptable and, if it is not modified, action may be taken in accordance with this policy. This may be verbally (followed up in writing<sup>5</sup>) or in writing.
- 5.7. If the behaviour is not modified some or all of the following actions may be taken, as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the School and its community:
- 5.7.1. Inform the complainant that their behaviour is now considered by the School to be unreasonable and unacceptable and, therefore, to fall under the terms of this policy;
  - 5.7.2. Require, except in emergencies, all meetings with a member of staff to be conducted only in the presence of a second person and that notes of meetings be taken;
  - 5.7.3. Require, except in emergencies, all routine communication between the complainant and the School be by letter only and to the School's address;
  - 5.7.4. Acknowledge, but not respond to, correspondence from the complainant that raises concerns or makes complaints about issues that have already been dealt with through the School's complaints procedures and the procedure duly exhausted;
  - 5.7.5. In the case of physical, or verbal aggression, and after taking advice if required, consider warning the complainant about being banned from the School site; or, if the circumstances so require, proceed straight to a temporary ban;

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<sup>4</sup> Or in the Absence of the Headmaster, the Deputy Headmaster or other member of the Senior Leadership Team who is at that time in charge of the School

<sup>5</sup> Email or emailed correspondence will be regarded as informing in writing

- 5.7.6. Consider taking advice on pursuing a case under Anti-Harassment legislation and act on that advice;
- 5.7.7. Consider taking advice about putting in place a specific procedure for dealing with complaints from the complainant, e.g. appointing a third party to act on behalf of the School to investigate, determine whether or not the concern or complaint is reasonable or vexatious and then advise the Headmaster accordingly.

5.8. The Headmaster will inform the Chairman of Governors of any action or actions he proposes to take under this procedure. The Headmaster will inform the complainant, either verbally (and followed up in writing), or in writing, of what action or actions he is taking, explain his decision and explain the way that future complaints will be dealt with.

5.9. Any restrictions imposed will be appropriate and proportionate.

#### Recordings

5.10. Recordings of meetings or telephone conversations, either in writing or sound recordings, should only occur when all parties have agreed to the recording. Circulation of such recordings to third parties without the prior knowledge and consent of other parties involved constitutes a breach of confidentiality.

#### Removing or reinstating restrictions

5.11. Any action taken under the general procedure above may remain in force for such time as the Headmaster sees fit bearing in mind all of the circumstances giving rise to that action however this should be for no longer than is necessary. The complainant may apply to the Headmaster to request a review of when any restriction may be lifted.

5.12. If a complainant's persistent complaining or harassing behaviour is modified but 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.

5.13. The Headmaster will inform the Chairman of Governors if a restriction is not lifted after more than one term or if any restriction has been reinstated.

#### New complaints

5.14. Legitimate new complaints will be considered even if the person making them is, or has been, subject to any part of this procedure however due regard will be had to the nature of the complaint and all other circumstances as set out in sections 4 and 5 above in determining how the complaint will be dealt with.