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## Complaints procedure statement

Review frequency: Every 2 years.

Most recent review: 30<sup>th</sup> June, 2015

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the head teacher.

Legislation:

Academies, free schools and independent schools - The Education (Independent Schools Standards) Regulations 2010.

<http://www.legislation.gov.uk/ukxi/2010/1997/contents/made>

### **Stage One: Complaint Heard by Staff Member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff are made aware of the procedures so they know what to do when they receive a complaint.

The school respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant 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 first approach is made to a governor, the next step is to refer the complainant to the appropriate person and advise them about the procedure. Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **Stage Two: Complaint Heard by Principal**

The Principal's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

### **Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel**

The complainant writes to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

Individual complaints are not 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 governing body will nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These will include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel will consist of three or five people. The panel will choose their own chair.

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

The panel can:

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

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

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the

complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints procedure.

## **Roles and Responsibilities**

### The Role of the Clerk

Any meeting of a complaints panel will be clerked. The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

### The Role of the Chair of the Panel

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

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

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

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter will explain the complainant's right of appeal to the Secretary of State for Education.

## **PROCEDURE FOR VEXATIOUS CORRESPONDENCE AND COMPLAINTS**

Defining complaints and/or correspondence as vexatious is a very serious step, and only undertaken as a last resort. For that reason, it is essential that the decision to make correspondence or complaints vexatious is evidence-based and reviewed regularly.

### **Purpose of this procedure**

A small percentage of people will correspond with or complain to the school or governing body in a way that could reasonably be described as obsessive, harassing or repetitious. This correspondence from a minority of individuals takes up a disproportionate amount of resource and can result in unacceptable stress for governors and staff. This procedure is designed to address vexatious correspondence and complaints but only once the normal complaints procedure has been exhausted. It should assist schools and governors to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents.

It is important that the use of this procedure does not prevent people from accessing school services to which they have an entitlement, and it is designed to ensure that their rights are protected, while ensuring that scarce resources are used fairly and effectively, and that governors and staff receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaint.

This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

### **Defining vexatious correspondence or complaints**

Vexatious or persistent complaints and correspondence can be characterised in the following ways:

Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or;  
Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason;  
Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner;  
A “scatter gun” approach, with copies of letters being sent to several recipients on a regular basis, often including the media, the MP, the Chief Executive and Leader of the Council, and external regulators;  
Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

### **Using the procedure**

If governors or staff identify behaviour that they think exhibits these characteristics, and which they believe may be vexatious, they should first discuss their concerns with the chair of governors. If the chair agrees with the assessment, the chair should prepare a brief statement of why the governors consider the complaint or correspondence to be vexatious, including its effect upon staff, governors and the school. This should be accompanied by a list of correspondence over the last 6 months, via email, telephone and letter, including information about whom the correspondence was addressed to, how many people/organisations it was copied in to on each occasion, and a one-line description of each piece of correspondence.

### **Handling correspondence and complaints that have been assessed as vexatious**

The first step will be for the chair of governors to write to the correspondent advising them that their complaint and/or correspondence has been determined to be vexatious and giving the reason for that decision. The letter should state that any future correspondence will be passed direct to the chair of governors who will consider whether it raises any substantive new issue(s). The correspondent should be advised that if no substantive new issue is raised, any future correspondence will not receive a response. They should also be advised of their right to complain about this decision to the Secretary of State for Education. They should be advised that the decision will be reviewed in 6 months from the date of the letter advising them that their complaint/correspondence has been determined to be vexatious.

There is no internal route of appeal against the decision that a complaint or correspondence is vexatious.

The chair should notify any colleagues whom they know are likely to receive correspondence of their contact details and ask them to pass any future correspondence from the vexatious correspondent to the chair.

Any future correspondence should be passed to the chair. If he/she decides that it raises no genuinely new and substantive issues, no response is required. If he/she considers it to be appropriate, he/she may acknowledge the first 2 or 3 pieces of correspondence, referring the correspondent to the letter advising them of the decision that their correspondence has been determined to be vexatious. After that, however, no response or acknowledgement should be sent.

If future correspondence does raise significant new issues, it should be responded to. It may be appropriate for the response to be routed via the chair in order to prevent the renewal of “scatter gun” correspondence.

### **Reviewing the decision**

Six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed. The chair should meet the governing body and the Principal to consider whether there has been any improvement in the vexatious behaviour over that time. The chair should write to the correspondent advising them of the outcome of the review. If the behaviour has improved, future correspondence can be treated in the normal way. If there has not been a significant improvement, the correspondence will continue to be treated as vexatious, and will be reviewed every six months.