



Complaints Procedure and Vexatious & Persistent Complaints Policy

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Complaints Procedure

Introduction

Under Part 7, Schedule 1 of The Education (Independent School Standards) Regulations 2014, the Trust is required to have in place a procedure to deal with complaints relating to it and to any community facilities or service that it provides.

We may also, in appropriate circumstances, adjust or modify this procedure where the particular circumstances of the complaint warrant it.

Throughout this policy the term “working days” refers to the [190] days the School is open to pupils.

This procedure is made accessible to the public:

- in the information given to new parents when their children join the School;
- on the School website.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children registered at a PolyMAT school. Any person, including members of the public, may make a complaint to PolyMAT or one of its schools about any provision of facilities or services that we provide.

Unless a complaint falls within the remit of a separate statutory procedure (such as appeals relating to exclusions or admissions) as detailed below, we will use this complaints procedure outlined with this policy.

In most cases, a concern or complaint will be dealt with by an individual school, except where it is regarding:

- the headteacher of a school;
- the chair of the local academy committee;
- the entire local academy committee;
- the CEO, or another member of the Trust’s central team;
- a Trustee.

In these situations, PolyMAT may deal with the concern or complaint following the same procedure.

The difference between a concern and a complaint

- A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. A concern will usually be dealt with under Stage One of the Complaints Procedure.
- A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’. A complaint will usually be made after a concern has been raised and the school (or Trust) has had an opportunity to try and resolve the issues raised informally. In this situation, the complaint will be dealt with under Stage Two of the Complaints Procedure. If a complaint is received that has not been dealt with under Stage One of the Complaints Procedure, the school reserves the right to attempt to resolve the complaint under Stage One of the Complaints Procedure.

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. PolyMAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

How to raise a concern or make a complaint

As per Stage One of the Complaints Procedure, a concern should be raised directly with a class teacher or other relevant member of staff. If the complainant perceives that the concern is unresolved following the completion of Stage One they may wish to raise a formal complaint.

The complaints form (see Appendix A) should be used to raise a formal complaint and should be returned to the complaints co-ordinator for the school. You can find a list of complaints co-ordinators in Appendix C. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints that involve or about a member of staff (except the Headteacher) should be made in writing to the Headteacher using the complaint form (see Appendix A) and sent to the Headteacher's PA in the first instance. Please mark them as Private and Confidential.

Complaints that involve or are about a head teacher should be made in writing to Tim Plumb, CEO of PolyMAT using the complaint form (see Appendix A) and sent to Rebekah Burrows (RBurrows@polymat.co.uk), the CEO's PA, in the first instance. Please mark them as Private and Confidential.

Complaints about the Chair of the Local Academy Committee, any individual Academy Committee Member, or the whole committee should be addressed to the Clerk to the Local Academy Committee and sent to governanceprofessional@polymat.co.uk using the complaints form (Appendix A). Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Sylvia Perrins, Chair of Trustees and be sent to governanceprofessional@polymat.co.uk using the complaints form (Appendix A). Please mark them as Private and Confidential.

In accordance with equality law, we 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. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

Scope of this procedure

This procedure covers all concerns and complaints about any provision of community facilities or services by PolyMAT or one of its schools. This procedure does not apply to complaints raised about the below matters, which are dealt with under separate procedures:

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	Concerns about admissions are handled through the appeals process. Further details of this procedure can be found in the school's Admissions Policy.

Exceptions	Who to contact
<ul style="list-style-type: none"> Statutory assessments of special educational needs 	<p>Concerns about statutory assessments of special education needs should be raised directly with the relevant local authority.</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding (childrens-LADO@royalgreenwich.gov.uk) or the Multi-Agency Safeguarding Hub (MASH) mash-referrals@royalgreenwich.gov.uk.</p>
<ul style="list-style-type: none"> Exclusion of children from school 	<p>Further information about how to raise a concern or challenge an exclusion will be provided in the exclusion letter you receive. Further details of what you can expect can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints made by employee's will be dealt with under the Trust's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>However, if complaints are raised by a parent/carer about an employee's conduct, they will proceed via this policy alongside any other disciplinary action that may result.</p> <p>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.</p>
<ul style="list-style-type: none"> Complaints about services provided by other supplier who may use school premises or 	<p>Such complaints should follow each external provider's complaints procedure.</p>

Exceptions	Who to contact
facilities	
<ul style="list-style-type: none"> Withdrawal from the Curriculum 	<p>Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the Daily Act of Collective Worship (DACW). They do not have to explain why and this is not considered a complaint.</p> <p>However, if parents or carers are not satisfied with the handling of such a request, you may follow this procedure.</p>
<ul style="list-style-type: none"> Allegations of bullying by pupils 	<p>Parents and carers should raise allegations regarding bullying with their child's tutor/ class teacher in the first instance. This will then be dealt with under the school's behaviour or other relevant policy.</p>
<ul style="list-style-type: none"> School re-organisation proposals 	<p>Complaints made by employee's regarding any re-organisation proposals will be dealt with under the Trust's internal grievance procedures.</p>

We take all concerns and complaints raised seriously and will make every effort to resolve the matter as quickly as possible. It is our intention to resolve concerns and complaints raised, at the earliest possible stage. This procedure is made accessible to the public on the Trust and school websites.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our 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 a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Purpose of this Procedure

It is PolyMAT's intention that this Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible ('concern');
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling 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;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the schools' senior management teams so that services can be improved.

Specific Provisions

Anonymous complaints

We will not normally investigate anonymous complaints. However, the CEO, Complaints Co-ordinator or Chair of Trustees, where appropriate, will determine whether an anonymous complaint warrants an investigation..

Time scales

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. We will consider complaints made outside of this time frame if exceptional circumstances apply.

In such cases, we may either involve appropriate external agencies or conduct our own internal review to test whether there is any corroborative evidence, which might trigger a formal investigation.

We will endeavour to abide by timeframes stated under each stage but acknowledge that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved where possible.

Recording Complaints

Complaints should be made using the Complaint Form or clearly set out in writing; we will, however, allow alternative methods of contact where a complainant uses a different communication preference due to disability or a learning difficulty.

We will record the progress of any formal complaint and the final outcome (including whether they are resolved following a formal procedure or proceeded to a panel hearing) and any action taken by us as a result of the complaint. The Headteacher will be responsible for these records and will hold them centrally. Such records, including correspondence, statements, meeting notes and telephone records will be stored confidentially and in line with the principles of the Data Protection Act 2018. The Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to these.

Non attendance at meetings

If the complainant rejects the offer of three proposed dates, without good reason, the School (or Trust) reserves the right to proceed with the meeting in the complainant's absence and/or to reach a conclusion in the interests of drawing the complaint to a close.

Complaints received outside of term time

We will consider complaints made outside of term time as having been received on the first school day after the holiday period.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Unreasonable Conduct by a Complainant

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

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

Complainants (and/or anyone acting on their behalf) may be deemed to be unreasonable by the school or Trust if they have behaved in any of the following ways (this list is not exhaustive):

- The complainant makes such frequent contact with the school or its schools that objective consideration of a “live” complaint is hindered;
- The complainant makes a string of further complaints about a “live” investigation or changes aspect of the complaint, during the investigation;
- The complainant exhausts all stages of the school’s complaints procedure but continues to pursue the same matter;
- The complainant seeks an unrealistic outcome and persists in doing so despite being advised that this is the case.
- The complainant’s communications are:
 - Malicious, abusive or aggressive;
 - Use threats, intimidation or violence;
 - Use offensive, abusive or discriminatory language;
 - Known by them to be false and/or contain falsified information;
 - Publish unacceptable information in a variety of media such as in social media websites and newspapers.
- The complainant makes insulting personal comments about, or threats towards staff.
- The complainant makes unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced.
- The complainant refuses to articulate their complaint or specify their grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- The complainant changes the basis of the complaint as the investigation proceeds.
- 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 by telephone while the complaint is being dealt with.

In these examples, “contact” may be in person, in writing, or by telephone or SMS text.

Whenever possible, the school or Trust will discuss any concerns with the complainant informally before applying an “unreasonable” marking to their communications.

Where a complainant continues to behave in an unacceptable fashion the Headteacher or Trust will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. The school may decide to deal with such complaints in one or more of the following ways, for example:

- Try to agree with the complainant a code of behaviour for the parties involved if the school is to continue processing the complaint.
- To require contact to take place with a named officer only.
- To restrict telephone calls to specified days and times.
- To restrict contact with the complainant to one form of contact only.
- To limit the number of times contact can be made per term.

If this behaviour continues then the school or Trust may terminate contact with the complainant (except in matters directly related to the education and welfare of their child, where applicable) and they may discontinue any further investigation being carried out. The complainant will already have been given a clear statement of the school's position and have taken all reasonable steps to address the complainant's needs. Any further written contact from the complainant will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged on the record. The school should usually review this position after 6 months.

For further details, please refer to the Trust's Persistent Complaints and Harassment Procedure, which commences on page 13 of this document.

Complaints Procedure

Stage 1 – Informal complaints

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

Concerns should be raised directly with a class teacher, head of year / head of subject, head teacher or other relevant member of staff. This can be done either verbally or in writing. Where an individual has a concern regarding a member of staff, it should in most cases be raised with that member of staff directly. This should generally enable a concern to be resolved at the earliest possible stage and avoid any need for it to escalate into a formal complaint.

Complainants should not approach individual Trustees or Academy Committee Members to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure which could delay the resolution of your complaint.

Members of staff dealing with such concerns should keep a record of the concern and the steps taken to deal with it. This is particularly important where the concern is raised (and resolved) verbally.

If the issue remains unresolved or an acceptable resolution is not reached, the next step is to make a formal complaint under stage 2 of this procedure.

We recognise that there may be circumstances in which:

- it may be difficult for a particular complainant to discuss a complaint with a particular member of staff; or
- the member of staff directly involved feels too compromised to deal with the complaint.

In these cases, the complaint should be directed to the Complaints Co-ordinator (see Appendix C) who can refer the complainant to another staff member. Such alternative member of staff may be more senior, but does not have to be, and they are simply required to consider the complaint objectively and impartially.

Where a complaint is received, which does not appear to have explored this stage of the procedure and which does not indicate that there is good reason (as indicated above) why this has not been done, the usual next step would be to refer the complainant to the appropriate person and advise them about the procedure.

Stage 2 – Formal complaints

Formal complaints should be made to the school via the school's designated Complaints Co-ordinator (see Appendix C). This should be in writing (preferably on the Complaint Form outlined at Appendix A of this policy), or at least including all the information requested within that form. Complaints should be made as soon as possible following the exhaustion of Stage One (where possible).

The school (or Trust where applicable) will promptly acknowledge the complaint (either by letter or email) within 5 working days, setting out its proposed next steps, timeframes, and who has been assigned to consider it and reach the decision upon any action to be taken.

Within this response, the member of staff who is handling the complaint (usually the Headteacher) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. A face-to-face meeting may be considered at this time, if this is deemed appropriate.

If an investigation is necessary, the amount of any investigation required will depend on the nature of the allegations and will vary from case to case and may include meeting with the complainant, the subject of the complaint and/or any witnesses.

The Headteacher may delegate the investigation to another suitable member of staff, but will not delegate the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish; and
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the head teacher will provide a decision in writing within 20 working days of the date of the acknowledgment of the complaint sent by the school.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 or the Trust will take to resolve the complaint. It will also outline how the complainant can appeal the decision if they are dissatisfied with the outcome.

The Complaints Co-ordinator dealing with the formal complaint must keep a written record of the complaint and any action taken as a result of the formal complaint, which will be kept in accordance with Data Protection legislation.

If the complaint is about the Headteacher, or a member of the Local Academy Committee (including the Chair or Vice-Chair), a suitably skilled and independent Local Academy Committee member or Trustee will be appointed to complete all the actions outlined within Stage 2 of this procedure.

If the complaint is about:

- both the Chair and Vice Chair; or
- the entire governing body; or
- the majority of the governing body

Stage 2 will be escalated to the CEO of the Trust.

Stage 3 – Appeal Hearing

If the complainant remains dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3, detailing their complaint and the reasons why they disagree with the decision at Stage 2.

A request to escalate a complaint to Stage 3 must be made in writing to, the Chair of the school's Local Academy Committee (or Sylvia Perrins, the Chair of Trustees) via the Clerk at governanceprofessional@polymat.co.uk within 10 working days of receipt of the Stage 2 decision letter. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 term-time days.

If the complaint is about:

- both the Chair and Vice Chair,
- the entire Local Academy Committee, or
- the majority of the Local Academy Committee,

it will be heard by a panel of 2 Trustees and an independent panel member, otherwise it will be heard by a panel of 2 Local Academy Committee members and an independent panel member.

The Clerk will convene an Appeal hearing, consisting of at least three people who have not been directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

The Clerk will write to the complainant inviting them to attend the Appeal Hearing. They will aim to convene a meeting within 15 working days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

This letter will:

- confirm and notify the complainant of the date, time and venue of the Appeal Hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- confirm the complainant may bring a companion with them. This could be either a relative or friend to the meeting to support them;

- request copies of any further written material to be submitted to the Panel at least 5 working days before the meeting.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's disability or special needs require it. 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.

Attendees

In most cases, the Stage 3 appeal panel will be attended by:-

- The Panel (including the Panel Chair);
- The complainant;
- The complainant's companion (where applicable);
- An appropriate individual to advise the panel;
- A Clerk.

The Headteacher (or CEO as applicable) may attend, if it is considered appropriate, to explain their actions and/or decision at Stage 2. However, it will not normally be expected for the subject of the original complaint to attend, nor for witnesses to attend and give evidence in person.

No Local Academy Committee member or Trustee will sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

The Complainant has the right to request an independent panel if they believe there is likely to be bias from the appointed panel. This request must be made no later than three working days in advance of the Stage 3 Appeal Hearing together with reasons why they feel this to be the case. This request should be put in writing to the Clerk.

The request will be considered by the Trustees but the final decision as to whether to accept the request for an independent panel is for the Trust Board to determine.

Papers & Evidence

In order for the Panel to prepare for the hearing, the Panel should receive in advance (in particular, but not exclusively):

- A summary of the steps taken at Stage 1;
- The formal complaint lodged at Stage 2;
- The investigation steps taken by the Trust or its School
- The Headteacher outcome at Stage 2; and
- The complainant's appeal correspondence and any supporting documentation.

Any written material will be circulated to all parties before the date of the Appeal Hearing. 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.

The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Conduct of the hearing

At the Appeal hearing, the complainant will be given a full and fair opportunity to present the grounds of their complaint and any supporting evidence, together with their reasons for rejecting the decision of the Headteacher's decision at Stage 2. It should be made clear what resolution is sought by the complainant and why this is considered appropriate.

The Panel's decision will usually be reached on the basis of the documentary evidence available, although the panel may adjourn the hearing, if necessary, to conduct further investigation. The Panel's role is not to re-investigate the case, but to review the steps taken to date.

In order to retain the non-adversarial approach recommended by the DfE, the following principles will apply to the hearing:

- The Panel will act independently and impartially;
- The hearing will be as informal as possible and the Panel will endeavour to put and keep the complainant at their ease;
- Witnesses will not normally be required to attend to give evidence in person, and the written evidence (as recorded in notes of any investigation interview) will usually be taken as read;
- Should the complainant want a particular witness to attend in person, this request should be justified with reasons and the Panel should make the decision as to whether to proceed in this way. In such cases, the witness will only be required to attend for the part of the hearing in which they give their evidence and can afterwards be excused;
- The focus of the hearing will be on hearing from the complainant. The Headteacher, if attending, can respond to points raised by the complainant;
- The panel may ask questions at any point;
- The complainant will not be present whilst the Panel deliberates; and
- The Panel's decision will be confirmed in writing following the hearing.

The welfare of any child/young person is paramount.

The Panel's Decision

The Panel will consider the issues raised by the complainant and all the evidence supporting their complaint.

It will often be the case that the evidence of two or more witnesses' conflict, and in such cases, the Panel will have to make a finding of whose evidence to prefer and the reasons why they have reached this decision.

The Panel will consider the complainant's appeal and may:

- uphold the complaint in whole or in part; or
- 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, which may include the following outcome(s):

- a) an explanation
 - b) an admission that the situation could have been handled differently or better
 - c) an assurance that we will try to ensure the event complained of will not recur
 - d) an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
 - e) an undertaking to review school policies in light of the complaint
 - f) an apology.
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

Dismissal of a complaint may be done where (without limitation):-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

Where a complaint is substantiated in part or in full, some details may then be given of action to the school or Trust in order to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.

The decision will be confirmed in writing to the complainant as soon as reasonably practicable and usually within 10 working days of the Appeal Hearing. The response will detail any actions taken to investigate the complaint and give a full explanation of the decision and the reason(s) for it and where appropriate, details of actions we will take to resolve the complaint. It will also give details of how the complainant can contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school. A copy of the minutes of the meeting will also be enclosed.

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 the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision in accordance with Data Protection legislation.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

The Stage 3 Appeal Hearing is the last stage of our complaints process.

Once a complaint has been addressed formally following this procedure, the matter will be closed.

Monitoring and Review

Headteachers will report on the operation of the Complaints Procedure to the Local Academy Committee at least once a year. This report will include:

- the number of formal complaints that have been made.
- the number that has been satisfactorily dealt with at the point of the original investigation.
- the number of occasions on which the Appeal Panel has met.

The CEO will report on the operation of the Complaints Procedure to the Trust Board at least once per year, which will include:

- the number of formal complaints that have been made across the Trust.
- the number of occasions on which the Appeal Panel has met.
- any significant amendments to our policy or practice as a result of the complaints made.
- any issues that have arisen in the operation of the Complaints Procedure.

In the light of the CEO's report, the Trust Board will consider whether or not the complaints procedure should be amended in any way.

Such reports will respect the confidentiality of the individual.

Education and Skills Funding Agency (ESFA)

If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3 of this procedure has concluded.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by PolyMAT. They will consider whether PolyMAT and/ or one of its schools 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 complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, 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

Persistent Complaints and Harassment Procedure

Introduction

This policy is designed to support the schools where the Complaints Policy does not meet the needs of the school because a complaint, raised either individually or as part of a group, might be considered to be unreasonable, abusive, habitual or persistent.

PolyMAT and its schools are committed to dealing with all complaints fairly and impartially and will always respond positively to anyone who contacts us with a concern/complaint, and provide a high-quality service to those who do. We will not normally limit the contact complainants have with our school, however, there will be occasions when despite all the stages of the procedure outlined within the Complaints Procedure having been followed, the complainant remains dissatisfied. This may include them trying to reissue the same concern/complaint which has already been dealt with

through the procedures outlined within the Complaints Policy. PolyMAT will not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening and in these instances, the School (or Trust) will remind the complainant that the process was completed in line with the policy and is now closed.

If the complainant persists, the School (or Trust) will view the correspondence as serial or persistent and the School may choose not to respond. The School (or Trust) will only take this action when all procedures of the Complaints Policy have been completed.

The School (or Trust) will not designate the complainant as serial or persistent for exercising their right to refer their complaint to their MP etc. regardless of which stage the complaint has reached within the Complaints Policy.

Examples of unreasonable behaviour which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the School, can include:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Causing stress and anxiety to the staff concerned with the issue;
- Using the school community for vexatious purposes;
- Publishing unacceptable information on social media or other public forums;
- Excessive demands on time and resources;
- Repeatedly makes the same complaint or raises the same concern despite previous investigation(s) or responses concluding that the concern/complaint is groundless or has been addressed using the Complaints Policy;
- 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 complaint's investigation process;
- refuses to accept that certain issues are not within the scope of the Complaint's Policy;
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint, in person, writing or by telephone whilst the to which a quick response is expected;
- displays threatening behaviour/conduct and physical violence;
- does not allow the School adequate time to manage an initial complaint;
- refuses to accept the findings of the investigation into that complaint where the School's Complaint Policy has been fully and properly implemented and completed including referral to the DfE;
- changes the basis of the complaint as the investigation proceeds
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information;
- seeks an unrealistic outcome.

Unreasonable demands

Unreasonable demands received from a complainant, could include:

- the amount of information being sought
- requesting unreasonable detail and unachievable timescales
- the number of requests being made
- repeatedly asking the same question(s)
- repeatedly questioning the response provided

These demands could include the complainant continually:

- telephoning;
- sending letters;
- sending emails; or
- making subtle changes to the nature of the requests previously made in anticipation that the outcome may be more in line with the complainant's expectations.

These demands will be deemed to be unreasonable if:

- they appear to be trivial or made without a serious purpose;
- they impact on the work of the School by taking up excessive amounts of staff time;
- they impact on the effective running of the schools; or
- cause stress and anxiety to the staff concerned in the issue.

If a complainant presents further correspondence or submits additional concerns/complaints, even if they are on a different matter, these should be managed through the procedures outlined within this policy.

Who is a persistent complainant?

For the purpose of this policy, a persistent complainant is where a parent/carer or member of the public complains about issue(s), either informally or formally, or frequently raises issue(s) that the complainant considers to be within the remit of the School (or Trust) and whose behaviour is unreasonable. Such behaviour may be characterised by, but not limited to:

- actions which are obsessive, persistent, harassing, prolific, and repetitious (including the persistent raising of historical complaints);
- prolific correspondence or excessive e-mail, letter or telephone contact about a concern or complaint;
- an insistence upon pursuing unmeritorious complaints, unrealistic or unreasonable outcomes;
- an insistence upon pursuing meritorious complaints in an unreasonable manner;
- an insistence on excessive demands on time and resources.

What is harassment?

Situations can arise where staff find themselves subjected to a pattern of persistent and unreasonable behaviour which is not abusive or overtly aggressive, but which can be perceived as intimidating and oppressive. In these circumstances, staff may be faced with constant demands, criticisms or complaints which, whilst not particularly taxing or serious in isolation, can have the cumulative effect over time of undermining their confidence, well-being and health. In extreme cases, the behaviour of a parent/carer or members of the public may constitute an offence under the Protection from Harassment Act 1997. If so, the Police have power to take action against the offender.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community and/or
- are pursued aggressively

Actions or behaviour that fall into any of the categories described above, or any other harassing or persistently unreasonable behaviour, may render an individual liable to become subject to this procedure.

Parent/Carers and members of the public expectation of the School

Parent/carer's and members of the public who raise either informal or formal concerns or complaints with the School (or Trust) can expect them to:

- regularly communicate in writing the following:
 - how and when problems can be raised with the School;
 - the existence of the School's Complaints Policy; and
 - the existence of the Persistent and Vexatious & Persistent Complaints Policy.
- respond within 20 working days from receipt of the complaint;
- be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the School and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the School's Complaints Policy;
- keep complainants informed of progress towards a resolution of the issues raised.

PolyMAT's expectations of parent/carers and members of the public

The Trust and its schools can expect parent/carers and members of the public who wish to raise concerns/complaints to:

- treat all staff with courtesy and respect;
- respect the needs and well-being of pupils and staff within the School;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow School a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time;
- (in the case of a complaint) follow the School's Complaints Policy.

School and Trust buildings are private property and the public does not have an automatic right to enter our premises. Parents have an 'implied licence' to come onto these premises at certain times, for instance:

- for appointments;
- to attend a school event; and
- to drop off or pick up younger children.

Anyone who is not invited to our premises or who has been asked to leave the premises could be considered as trespassing.

The Trust's actions in cases of persistent complaints or harassment

The School (or Trust) will take the following consecutive steps, as necessary, if the complainant's behaviour is not modified:

- inform the complainant orally or in writing that their behaviour is considered to have become unreasonable/unacceptable and may be considered to fall under the terms of this policy;
- placing time limits on telephone calls/personal contact;
- limiting the number of telephone calls/personal contacts;
- restricting the complainant to only one form of communication and with one named member of staff; and
- refusing all communication regarding an identified subject.
- inform the complainant in writing that their behaviour is now considered by the School to have become unreasonable/ unacceptable and warn of further sanctions under the policy;
- inform the complainant in writing that their behaviour is now considered by the School to fall under the terms of this policy and that the complaint will not be investigated further until it is pursued in a manner the School considers to be reasonable.

As appropriate this may additionally result in the School (or Trust):

- informing 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;
- informing the complainant that, except in emergencies, all communication from the complainant to the School (or Trust) should be carried out in writing;
- (in the case of physical or verbal aggression) will consider whether it is appropriate to warn the complainant about the possibility that they will be banned from the School (or Trust) premises or proceed straight to a temporary ban;
- consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation.

The restriction would not include emergency contact regarding the complainant's child/children or information which would be essential to their child/children's learning and achievement.

Legitimate new complaints received by parent/carer's or members of the public previously dealt within in accordance with this policy, if not pursued in a harassing or unreasonable way, will still be considered even if the person making them is, or has been, subject to this Policy.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified in the Complaints Policy, the School (or Trust) will use its discretion and may resume investigation of the complaint.

Review

The School (or Trust) will review, as appropriate and at a minimum once in a school year, any sanction(s) applied in the context of this policy.

This policy has been drafted in accordance with the Guidance issued by the Department for Education entitled 'Advice on School Security: Access to, and barring of individuals from, school premises'.

If you do not agree with a decision and you wish to further challenge the decision you will need to consider seeking your own independent legal advice.

Appendix A – Complaint Form

This is a Complaint Form intended to instigate Stage 2 of the Complaints Procedure, after attempts to resolve the concern under Stage 1 have not provided you with a resolution you consider satisfactory.

Stage 1 should only be omitted in exceptional circumstances (and in such cases the reasons why should be set out below). If the Trust or one of its schools does not consider that Stage 1 has been appropriately omitted, it reserves the right to refer your complaint back to that stage.

Please complete and return to the Complaints Co-ordinator (see Appendix C) who will acknowledge receipt and explain what action will be taken.

Your Name		Pupil's Name:	
Address:		Your relationship to the pupil:	
		Daytime telephone number:	
		Evening telephone number:	
Please give concise details of your complaint. Please include, where possible, dates, names of witnesses, etc. as this will enable the Trust or one of its schools to properly investigate your complaint.			
What action, if any, have you already take to try and resolve your complaint. (Who did you speak to and what was the response?)			
If you have not taken such action, please explain your reasons.			
What actions do you feel might resolve the problem at this stage?			
Are you attaching any paperwork? If so, please give details.			
Signed:			
Dated:			
OFFICIAL USE			
Date acknowledgement sent:			
By who:			
Complaint referred to:			

Date:	
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Appendix B - The Remit of The Complaints Appeal Panel

Any governor sitting on a complaints panel should bear the following in mind:

- 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 complaint's procedure.

Appendix C – List of Complaints Co-Ordinators

Entity	Complaints Co-Ordinator
Bannockburn Primary School	Georgina Keable, Business Manager – info@bannockburn.greenwich.sch.uk
Woolwich Polytechnic School for Boys	Dominic Wiffen, School Business Manager via enquiries@woolwichpoly.co.uk
Woolwich Polytechnic School for Girls	Liz Highfield, School Business Manager via info@woolwichpolygirls.co.uk
PolyMAT	Justine Redsell, Trust Business Lead – JRedsell@polymat.co.uk

Appendix D – Complaints Procedure Flowchart

Flow Chart



