

**Goodleigh C of E Primary School and  
Ilfracombe Infant and Nursery School  
Federation**

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# **Complaints Procedure**

**Including Managing Serial,  
Unreasonable, Vexatious and  
Unacceptable Complaints Policy**

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# Complaints procedure

## Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints 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 complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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. Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, Head of Teaching and Learning/Assistant Headteacher or Executive Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors 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 2 of the procedure.

Complaints against school staff (except the Executive Headteacher) should be made in the first instance, to the Executive Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Executive Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

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.

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the Executive Headteacher or Chair of Governors, if appropriate, will determine whether the 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.

## Complaints received outside of term time

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

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions or school re-organisation proposals should be raised with Devon County Council - telephone contact through My Devon on 0345 155 1019 Concerns about statutory assessments of Special Educational Needs (SEND) should be raised by telephoning 01392 383080 or visiting <a href="http://www.devonias.org.uk">www.devonias.org.uk</a> .

<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<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 on 01392 384964 or email <a href="mailto:ladosecure-mailbox@devon.gcsx.gov.uk">ladosecure-mailbox@devon.gcsx.gov.uk</a>, or the Multi-Agency Safeguarding Hub (MASH) on 0345 155 1071 or email <a href="mailto:mashsecure@devon.gov.uk">mashsecure@devon.gov.uk</a>.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<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 whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</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"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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 Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation 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.

## Resolving complaints

At each stage in the procedure, Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- 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
- an undertaking to review school policies in light of the complaint
- an apology.

## Withdrawal of a Complaint

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

### Stage 1

Formal complaints must be made to the Executive Headteacher (unless they are about the Executive Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Executive Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Within this response, the Executive Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Executive Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Executive Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Executive 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
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Executive Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the Executive 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 Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation will take to resolve the complaint.

The Executive Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Executive Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Executive Headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of two 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 complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation available, the Clerk will

source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along 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.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 7 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee 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 meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own 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.

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

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

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

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

The Chair of the Committee will provide the complainant and Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

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 Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## **Next Steps**

If the complainant believes the school 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 Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation. They will consider whether Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation has adhered to education legislation and any statutory policies connected with the complaint.

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

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.



# Complaint Form

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

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

# Roles and Responsibilities

## Complainant

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

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

## Investigator

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Executive Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

**Complaints Co-ordinator** (this could be the Executive Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Executive Headteacher, Chair of Governors, Clerk and Local Authority (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

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

## **Committee Chair**

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

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

If a new issue arises it would be useful to give everyone the opportunity to consider and

comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

# Managing serial, unreasonable, vexatious and unacceptable complaints Policy

Goodleigh C of E Primary School and Ilfracombe Infant and Nursery School Federation is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our 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.

The vast majority of complaints and concerns are managed very successfully and the process is productive for both the Federation and complainant. However, a very small minority of complainants make complaints that are vexatious or unreasonably persistent or conduct themselves in such a way that it is extremely difficult for the Federation to operate effectively and to maintain a safe and secure environment for staff, pupils, visitors and parents/carers alike.

Examples may include:

- Refusing to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- Refusing to co-operate with the complaints investigation process;
- Refusing to accept that certain issues are not within the scope of the complaints procedure;
- Repeatedly making the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Making excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses or responses within an unreasonable timeframe;
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- Changing the basis of the complaint as the investigation proceeds;
- Knowingly providing falsified information;
- Publishing unacceptable information on social media or other public forums;
- Making unjustified complaints about staff who are trying to deal with the issues, and asking to have them replaced;
- Using abusive, offensive or discriminatory language or violence;
- Being abusive, intimidating or threatening to staff, either by telephone, in writing (including emails and social media) or in meetings;
- Arriving at School without an appointment and demanding to see staff (including the demand to see particular members of staff);
- Refusing to leave the School premises when requested;
- Seeking an unrealistic outcome;
- Refusing to accept the requirements or process outlined in the Complaints Policy;

- Refusing to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.

This policy seeks to address such issues and covers both parents/carers and other visitors who make enquiries as well as complaints. The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation will continue to recognise and respect its duties under the Freedom of Information Act, the Data Protection Act and any other related legislation.

## **Purpose**

To clarify what the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation may deem to be vexatious, unreasonably persistent or unacceptable conduct by complainants;

To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation believes that all parents/carers, along with employees and staff, have the right to be heard, understood and respected;

To provide a process for communication that is accessible to all complainants and which operates in line with the Complaints Policy. However, we retain the right, where we consider complainant actions to be unacceptable, to restrict or change the way in which that process may operate;

To provide a framework both to implement and take appropriate action against those complainants who are deemed to be raising vexatious complaints, are being unreasonably persistent or who are engaging in unacceptable conduct when raising or pursuing enquiries or complaints.

## **Defining Unacceptable Actions by Complainants**

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation.

The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation does not view behaviour as unacceptable just because a complainant is forceful or determined. However, the actions of complainants who are angry, demanding or unreasonably persistent may result in unacceptable demands or behaviour towards employees. It is these actions that the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation consider unacceptable and aims to manage under this policy.

The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation has grouped these actions under three broad headings:

### **1. Aggressive or Abusive Behaviour**

- a. All staff should be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Quite often complainants are angered by decisions made by the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation. However, it is not acceptable when anger escalates into aggression (verbal or physical) directed towards staff;
- b. Violence is not restricted to acts of aggression that may result in physical harm. It also

includes behaviour or language (whether oral or written) that may cause staff to feel intimidated, threatened or abused;

- c. Examples of aggressive or abusive behaviour include: threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can constitute abusive behaviour, whether made in writing (email, letter or social media) or during visits or meetings;

Please note: where physical violence has been used or threatened towards staff or their families, or derogatory and abusive language has been used directly to, or about, members of staff, this will, in itself, cause personal contact to be discontinued immediately. Access to the premises may also be restricted or withdrawn.

All incidents of verbal or physical intimidation or violence will be documented and reported on. Incidents will, where appropriate, be notified to the police. On-going and future contact will be determined under this policy.

The Senior Leadership Team will support staff, as of right to be accompanied to meetings where they believe the complainant is being vexatious.

## **2. Unreasonable Demands**

- a. Complainants may make what we consider unreasonable demands for example through:
  - the amount of information they seek;
  - the nature and scale of service they expect;
  - the number of approaches they make.

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant. A complainant could seek help with this from an advice agency.

- b. Examples of actions grouped under this heading include:
  - demanding responses or meetings within an unreasonable time-scale;
  - continually making phone calls or sending letters or emails;
  - insisting on meeting staff when an appointment has not been made;
  - insisting on meetings with particular members of staff present;
  - refusing to leave the premises when asked;
  - repeatedly changing the substance of the complaint;
  - raising unrelated concerns;

These demands can have a significantly negative impact on the work of the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation, such as taking up an excessive amount of staff time, affecting the smooth running of the school and having an adverse effect on the well-being of staff.



### **3. Unreasonably Persistent**

- a. We recognise that some complainants will not or cannot accept that the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- b. Examples of actions grouped under this heading include:
  - persistent refusal to accept a decision made in relation to a complaint;
  - persistent refusal to accept explanations relating to what the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation can or cannot do;
  - continuing to pursue a complaint without presenting any new information.

The way in which these complainants approach the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation may be entirely reasonable, but it is the persistent behaviour in continuing to do so that is not.

- c. The actions of persistent complainants will be deemed to be unacceptable when they take up what the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation regards as being a disproportionate amount of time and resources.

Please note that the examples given may not cover every situation with which the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation is faced. It is for senior staff, including the Executive Headteacher, to determine whether a Complainant's conduct falls within the remit of this Policy.

#### **Managing Unacceptable Actions by Complainants**

If the school's ability to operate smoothly and provide a service to others is adversely affected, the complainant's contact with the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation may need to be controlled in order to manage the situation safely. The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation may, for example, restrict contact either in person, by telephone, by letter or electronically or any combination of these.

The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation will aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our complaints process.

The threat or use of physical violence, verbal abuse or threatening behaviour towards staff is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police and this will always be the case if physical violence is used or threatened.

The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation will not deal with correspondence (letter or electronic) that is abusive to staff. When this happens, the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation will tell complainants that their language is considered to be offensive, unnecessary and unhelpful. The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation will ask them to stop using such language and state that there will be no response to their correspondence unless they do so. The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation may require future contact to be through a third party.

Staff, including senior staff, will end telephone calls if the caller is considered aggressive, abusive or offensive. The member of staff taking the call has the right to make this decision, to advise callers that their approach is unacceptable and to end the call if the conduct does not improve.

Where a complainant repeatedly contacts the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation, sends irrelevant documents, raises issues that have already been answered, or continues to engage in unacceptable conduct (in writing, in person or through email/letters) the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation may decide to:

- only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from the complainant in the future;
- require the complainant to make an appointment to see a named employee before visiting or that the complainant makes contacts in writing only;
- return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
- restrict contact further;
- take other action that we consider appropriate. The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation will, however, always tell the complainant what action is being taken and why.

### **Deciding to Restrict Complainant Contact**

This policy may be invoked in one or more of the following ways:

- Once senior staff have determined that conduct falls within the remit of this Policy (see Appendix A and B) the individual/s, may be informed in writing, that they are at risk of being classified as vexatious, unreasonably persistent or engaging in unacceptable conduct. A copy of this policy should be sent to them and they should be advised to take account of the criteria in any future dealings with the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation and its staff;
- It may be useful to hold a meeting with the complainant to find if there is a more effective way for the correspondence to be dealt with. This may bring to light an underlying, common cause for the various complaints or for the conduct displayed. However, it will be made clear that this meeting must be conducted in line with the expectations of this Policy;
- In some situations, a preliminary letter or meeting may not be appropriate and the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation may implement immediate restrictions.

When a complainant has been deemed vexatious, unreasonably persistent or unacceptable in his/her conduct towards the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation, the complainant will be notified in writing outlining:

- the reason/s why the decision to apply this policy was taken;
- what it means for his or her contact with the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation;
- how long any restrictions will last; and

- what the complainant can do to have the decision reviewed.

This notification will be copied promptly for the information of others such as the Chair of the Governing Body. Records must be kept on file, for future reference, detailing the reasons why the decision has been made to classify individuals as vexatious, unreasonably persistent, or unacceptable in terms of conduct, and of what action has been taken.

The Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation will retain hard copies of documentation for up to 3 years only from the date of this policy being invoked. At the end of the 3 year period, the Goodleigh C of E Primary School and Ilfracombe Infant and Nursery Federation will review the relevant case to consider whether it is necessary to retain information specifically relating to an individual classified as vexatious, unreasonably persistent or unacceptable in their conduct.

### **Withdrawing Restrictions**

Senior staff will already have used careful judgement in recommending or confirming vexatious, unreasonably persistent, or unacceptable conduct status. Similar judgement and discussion will be necessary when recommending that such status should be withdrawn.

Any restrictions which are put in place are time-limited, but if a more reasonable approach is subsequently demonstrated and sustained by the complainant, then restrictions could be lifted at an earlier point. Complainants will be advised in writing if this is the case.

### **Monitoring and Review**

The Governing Body will be responsible for monitoring the effectiveness of this policy every two years based on data provided by the Executive Headteacher. Any changes will be made in line with legislation.

## APPENDIX A

Some examples of vexatious, unreasonably persistent and unacceptable conduct by complainants:

- Refusal to specify the grounds of a complaint, despite offers of assistance from School staff;
- Refusal to co-operate with the complaints investigation process or insistence on the complaint being dealt with in ways which are incompatible with the school complaints procedure;
- Interfering with the Complaints process by producing witness statements or telephoning others who may be involved (including staff, students or parents/carers);
- Making unnecessarily excessive demands on the time and resources of School staff whilst a complaint is being investigated;
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure;
- Refusing to accept that issues are not within the remit of a complaints procedure or demanding outcomes which the complaints procedure cannot in itself provide. This could include the overturning of court decisions, or the dismissal or criminal prosecution of staff;
- Electronically recording meetings, telephone calls and conversations with staff;
- Seeking to coerce, intimidate or threaten staff or other people involved, whether by through use of language tone of voice or behaviour including body language. Please note: the School's right to respond to intimidating, threatening or derogatory comments includes telephone calls, email and the use of social media;
- Submitting repeat complaints essentially about the same issues, which have already been addressed under the school complaints procedure;
- Persistence in contacting the School and demanding responses or action long after the School has closed the enquiry / investigation into a complaint and all rights of review and appeal have been exhausted.

Some examples of restrictions:

- Placing time limits on telephone conversations and personal contacts;
- Restricting the number of telephone calls that will be taken (for example one call on one specified morning / afternoon of any week);
- Limiting the complainant to one medium of contact (telephone, letter, e-mail etc);
- Requiring the complainant to communicate only with a designated, named employee;
- Requiring any personal contact with staff to take place in the presence of a witness;
- Banning a complainant from the School's premises;
- Involving the police in cases where the School believes the complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses a request to leave the School premises.

## APPENDIX B

### Visitor Notice

We strive to ensure that our school is a safe, healthy and pleasant environment for all members of the school community: staff, children and visitors.

We are very happy to deal with any concerns or queries which are presented in an acceptable way through speech, writing and action.

Please be aware, however, that conduct and/or communication which is interpreted as abusive, threatening, intimidating or which seeks to undermine staff will not be accepted.

Visitors behaving in this way are likely to be removed from the premises and formal action taken.