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|-------------------------------------|---|
| <b>Policy Name</b>                  | <b>COMPLAINTS POLICY AND PROCEDURE</b>  |
| <b>Relevant To</b>                  | <b>Federation</b> <input checked="" type="checkbox"/><br><b>Bidwell Brook Only</b> <input type="checkbox"/><br><b>Ellen Tinkham Only</b> <input type="checkbox"/>   |
| <b>Type of Policy</b>               | <b>Model</b> <input checked="" type="checkbox"/><br><b>School</b> <input type="checkbox"/>  |
| <b>Name of Policy Holder</b>        | <b>Nikki Burroughs</b>  |
| <b>Subject/Department</b>           | <b>Complaints</b>   |
| <b>Approved By</b>                  | <b>Full Governing Body</b> <input type="checkbox"/><br><b>CBT Governors</b> <input checked="" type="checkbox"/><br><b>T&amp;L Governors</b> <input type="checkbox"/><br><b>SLT</b> <input type="checkbox"/> |
| <b>Version Date (if applicable)</b> | <b>n/a</b>  |
| <b>Date of Last Review</b>          | <b>Summer Term 2025</b>   |
| <b>Date of Next Review</b>          | <b>Summer Term 2027</b>   |

# WORKING TOGETHER: RESOLVING CONCERNS AND MANAGING CHALLENGING COMPLAINTS

While we take great pride in our federation of special schools, we understand that no one gets everything right all the time. We are committed to working closely with you to provide the very best support and education for all our children, which includes responding promptly and appropriately to any concerns you raise.

We see learning as a lifelong journey, and we have robust systems in place to track any concerns or complaints we receive. This allows us to review how efficiently we address issues and how effective our solutions are, helping us to continually improve our practices.

The following outlines how we will collaborate with you to address any concerns you may have as swiftly and informally as possible. Mediation is available at any stage of the process (see page 8 for details).

This procedure is designed for use not only by parents and carers, but also by anyone who interacts with the school, including members of the local community.

## How to Raise a Concern or Make a Complaint

If you are concerned or dissatisfied with how one of our schools or a member of our staff has treated you, or if you have concerns about how our policies and procedures are being implemented, you are encouraged to raise your concerns 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.

## Anonymous Complaints

Anonymous complaints will not usually be investigated, however, the Executive Head or Chair of Governors, if appropriate, will determine whether an anonymous complaint warrants an investigation.

## Timescales

A complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will only be considered if exceptional circumstances apply.

## Complaints Received Outside of Term Time

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

## CONCERNS OR COMPLAINTS - CONTACTS

If you would like to raise a concern or a complaint, please refer to the following table:

| Subject of Concern/Complaint                   | Contact  |
|--|--|
| <b>Pupil</b>                                   | Raise with either the class teacher or Head of Site. 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. Governors have no power to act on an individual basis and it may also prevent them from considering formal complaints at Stage 2 of this procedure.                                  |
| <b>Member of Staff</b>                         | Raise with Head of Site or Executive Head. Please contact the School Office for contact details.   |
| <b>Head of Site</b>                            | Raise with the Executive Head via the school office or by email to <a href="mailto:nikki.burroughs@learntolivefederation.co.uk">nikki.burroughs@learntolivefederation.co.uk</a> . Please mark your correspondence as <b>Private &amp; Confidential</b> .   |
| <b>Executive Head</b>                          | Raise with the Chair of Governors, c/o the Clerk to the Governing Board via the school office or by email to <a href="mailto:clerk@learntolivefederation.co.uk">clerk@learntolivefederation.co.uk</a> . Please mark your correspondence as <b>Private &amp; Confidential</b> .   |
| <b>Individual Governor/<br/>Governing Body</b> | Raise with the Clerk to the Governing Board via the school office or by email to <a href="mailto:clerk@learntolivefederation.co.uk">clerk@learntolivefederation.co.uk</a> . Please mark your correspondence as <b>Private &amp; Confidential</b> . The Clerk will seek advice from Governor Services regarding the appropriate next steps to ensure an impartial and/or independent investigation takes place. |

For ease of use when making a formal complaint requiring a formal investigation, a Complaints Form is included at the end of this policy (Appendix 1). If you require help in completing the form, please contact the school office. You can also ask third party organisations such as Citizens Advice to help you.

In accordance with equality law, consideration will be given to 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.

## SCHOOL RESOLUTION - INFORMAL STAGE

Typically, the most effective way to address a concern or complaint is through direct discussion with the relevant member of staff, the Head of Site or, in cases involving the Head of Site, the Executive Head. This allows us to fully understand your perspective and take appropriate action to address the issue. The federation will determine the most suitable person to handle your concern based on its nature.

We take all concerns seriously and will make every effort to resolve matters as quickly as possible. If you find it difficult to discuss your concern with a particular member of staff, your wishes will be respected and we will refer you to another member of staff. This individual may be more senior, but what matters most is their ability to consider your concern objectively and impartially.

The person addressing your concern may also explain the situation from the school's or staff member's point of view.

Many low-level concerns or complaints can be resolved quickly and effectively by the Head of Site using this approach, referred to as a 'School Resolution.'

This method involves working directly with you to solve, clarify, or settle your concern or complaint. It does not lead to conduct or capability procedures against individual staff members, and the complaint will be considered closed once the process is completed.

Resolving concerns in this way helps us to continually improve the service we provide to our school communities.

We recognise that there may be occasions when you wish to raise your concern formally. In these situations, the federation will seek to resolve the issue internally, following the stages set out in this policy.

### How does the School Resolution process Work?

This School Resolution process is not about apportioning blame or about staff being dealt with through formal conduct or capability procedures – schools are centres of learning for everyone, and it is about learning from what has happened and working with you to make sure it doesn't happen again.

Most concerns or complaints are not likely to involve extensive or lengthy enquiries, and therefore you should expect an approach that is proportionate to the issue you have raised.

As the School Resolution process is aimed at quickly resolving your concern or complaint and learning from it, it will not lead to conduct or capability proceedings against a member of staff. However, where appropriate, the member of staff might receive further support or training as a result.

If your concern or complaint is an expression of dissatisfaction with something the school has either done or not done, and not about an individual - for example, about the way the school operates its policies or is directed to fulfil its statutory obligations - then it will still be resolved using this 'School Resolution' approach.

**Step 1** - For your part, you will need to:

- tell the school what happened and how you felt about it;
- say what action you would like to see taken as a result;
- agree the process for resolving your concern or complaint.

**Step 2** - Once you have raised your concern or complaint, the person who is looking into it will contact you within 5 working days (in term time). They can arrange to talk to you face-to-face, on the telephone or via a virtual meeting, or they can contact you by letter or email if you prefer.

For its part, the school will:

- listen to your concerns;
- explain what can happen to resolve your concern or complaint;
- confirm with you the process that will be followed and who will deal with it;
- if necessary, carry out a more detailed investigation into your concern or complaint. This is called a 'School Investigation' (see section on 'School Investigation' at the end of this document);

- provide information for parents and carers of children with SEND (Special Educational Needs and Disability) about how they can access support from The Devon Information Advice and Support service (this is a requirement in the SEND Code of Practice) = [www.devonias.org.uk](http://www.devonias.org.uk) tel: 01392 383080, email: [devonias@devon.gov.uk](mailto:devonias@devon.gov.uk)

There are different ways of dealing with the concern or complaint using the School Resolution Process.

These include:

- immediate resolution by providing information face-to-face or by telephone, as you choose;
- a letter from the school concluding the matter after proportionate consideration, explaining what has been done;
- individual communication between you and the person your concern or complaint was about and/or a face-to-face meeting with the person your concern or complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place.

**Step 3** - When the named person has looked into your concerns you will receive further communication from the school within 10 working days of the original concern being raised. However, if the concern is complex, the person working on the School Resolution may contact you to let you know that more time is needed to look more fully into the matter.

As a result, the school could take the following actions to resolve your concern or complaint:

- give you information or an explanation to clear up a misunderstanding;
- apologise on behalf of the school;
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again;
- arrange action by the Head of Site / Executive Head to address an issue with a member of staff through support and development;
- apologise on behalf of the person your concern or complaint was about but only if they agree to this;
- arrange action by the Governing Board to address matters of policy or procedure.

## SCHOOL INVESTIGATION

### FORMAL COMPLAINTS PROCEDURE (FORMAL STAGE 1)

If you would like to raise a formal complaint involving an investigation, this will still be conducted in the spirit of quickly reaching an effective outcome and maintaining positive and productive relationships. All parties need to work together to maintain productive relationships and establish a way forward in partnership.

A formal complaint will be managed by the individuals as detailed within the Contacts Chart on page 2.

Some concerns or complaints may demand more detailed and perhaps time-consuming enquiries, and therefore you should expect an approach that is reasonable and proportionate to the complaint you have made. The person investigating your concern should keep in regular contact to keep you informed of progress on the matter.

Nevertheless, the School Investigation process aims to quickly resolve your concern or complaint and identify any learning from it.

### How does the Formal Complaints procedure Work?

**Step 1** - Please complete the Complaint Form in Appendix 1, page 12. For your part, you will need to:

- tell the school what happened and how you felt about it;
- say what action you would like to see taken as a result;
- agree the process for resolving your concern or complaint;
- agree timescales and pathways for communication.

**Step 2** - Once you have raised your concern or made your complaint, the Executive Head, or the member of staff or governor who is looking into it will contact you within 5 working days (term time). They can arrange to talk to you face-to-face, on the telephone or they can contact you by letter or email if you prefer.

For its part, the school will:

- listen to your concerns;
- explain what can happen to resolve your concern or complaint;
- confirm with you the process that will be followed and who will deal with it;
- carry out a more detailed investigation into your concern or complaint;
- produce and supply all parties with a written report of the findings;
- ensure that any relevant findings are taken forward to influence school practice and policy.

This investigation may call for more information to be gathered before the person investigating can explain what has happened from the perspective of the school or the staff member involved. This way of dealing with your concern or complaint means solving, explaining, clearing up or settling your complaint directly with you, but doing so with a more detailed investigation than at a School Resolution level.

Your concern or complaint will be the subject of a proportionate investigation. This means that the amount of time dedicated to the matter will be in accordance with the seriousness of the matter.

One of a number of things **may** follow. These include:

- resolution by providing information face-to-face or by telephone – as you choose;
- a letter from the school, or the Governing Board, concluding the matter after a proportionate investigation and explaining what has been done;
- if your complaint was about an individual, communication between you and that person organised by the school or the person dealing with your complaint;
- a face-to-face meeting with the person working on your concern or complaint and/or the person your complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place.

**Step 3** - The School Investigation should be completed within 10 working days when you will receive a letter explaining the findings and any actions that may need to happen as a result. However, in complex matters it may take longer. The person investigating will keep in regular contact with you to keep you informed of progress.

As a result, the school could take the following actions to resolve your concern or complaint and will provide feedback to you on such actions:

- give you information or an explanation to clear up a misunderstanding;
- apologise on behalf of the school;
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again;
- arrange action by the governing board to address matters of school policy or procedure;
- arrange feedback and support to address any issues arising about a member of staff and their actions or behaviour;
- apologise on behalf of the person your complaint was about, but only if they agree to this.

## **APPEAL AGAINST THE DECISION MADE FOLLOWING THE SCHOOL INVESTIGATION (FORMAL STAGE 2)**

The School Investigation stage of this complaint's procedure includes an appeal process should you not be satisfied with the outcome of the investigation.

Following our initial investigation, we will write to you to let you know of your right to appeal and you will have 20 working days to let us know if you would like to do so. (This does not include school holidays).

If you decide you would like to appeal, we will invite you to attend an appeal meeting. If the date is inconvenient, we will provide an alternative date. You will also receive any paperwork that relates to the initial school investigation 7 days in advance of the appeal meeting. The Appeal Panel will be formed by three governors with no prior knowledge of your complaint.

Whilst this is part of the formal complaints procedure, we aim to make the meeting as informal as possible so that all parties can put forward their views in a positive and respectful manner.

When the appeal panel has considered all the information made available to them, they will make a decision and inform you in writing of the outcome within 5 working days.

Sometimes when a complaint is very complex, and has taken a lot of time, the Governing Board may have difficulty assembling an appeal panel that fits the criteria of having had no prior knowledge of your complaint. In this case, the school may need to source an independent appeal panel to hear the final stage of your complaint.

Following the appeal panel meeting, the school complaints procedure is complete. If you are still unhappy with the way the school has managed your complaint, you can submit a complaint to the Department for Education online at: [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school) Or write to the School Complaints Unit, Dept of Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Store Street, Manchester M1 2WD.

Please remember that the school is committed to resolving your concerns wherever possible and that where this is proving complex, mediation is a powerful method of resolving matters.

## MEDIATION

Sometimes during the handling of a complaint, communication between parents and the school can become difficult. Mediation can be a very useful way of helping people to resolve their differences and find an agreed way forward. Both parties need to agree to mediation. The school (or the parent) may suggest mediation if communication becomes a problem.

Mediation can be sought at any point during the processes of resolution and investigation. The mediation process is informal, impartial and voluntary, and aims to resolve conflicts to the benefit of all. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships. The mediation process does not investigate complaints, or make recommendations for future action, but allows the parties to reach a mutually acceptable outcome in the best interests of the child and/or for resetting relationships for the future.

**For more information, please contact:**

[Educate.educationmediation-mailbox@devon.gov.uk](mailto:Educate.educationmediation-mailbox@devon.gov.uk)

## DEALING WITH ABUSIVE, PERSISTENT OR VEXATIOUS COMPLAINTS AND COMPLAINANTS

### Commitment to Fairness and Respect

The Learn to Live Federation is committed to handling all concerns and complaints fairly, transparently, and in accordance with our published complaints procedure. While most complaints are resolved quickly and informally, a small minority of complainants may pursue complaints in a manner that is unreasonable, persistent, or abusive, which can impede the investigation process or place a significant burden on federation resources.

We do not expect staff to tolerate unacceptable behaviour from complainants or any service user. Unacceptable behaviour includes, but is not limited to, abusive, offensive, or threatening language (whether in person, by telephone, or in writing), as well as excessive, repeated, or unwarranted contact.

### Definitions

We have adopted the Local Government Ombudsman's definitions of "unreasonable complainant behaviour" and "unreasonable persistent complaints."

- **Vexatious Complaint:** A complaint pursued, regardless of its merits, solely to harass, annoy, or subdue; unreasonable, frivolous, repetitive, burdensome, or unwarranted;
- **Habitual Complainant:** An individual who repeatedly raises complaints or issues after the matter has been addressed, placing a disproportionate burden on staff and resources;
- **Malicious Complaint:** A complaint made with the intention of causing harm, such as knowingly making false statements or sensationalising issues to damage reputations.

## Features of Unreasonably Persistent or Vexatious Complaints

A complainant may be considered unreasonably persistent or vexatious if their behaviour, due to its frequency or nature, hinders our consideration of their own or others' complaints. This may include, but is not limited to:

- Having insufficient or no grounds for the complaint and making it only to annoy or for undisclosed reasons;
- Refusing to specify the grounds or desired resolution despite offers of assistance;
- Refusing to cooperate with the complaints process while expecting resolution;
- Refusing to accept issues are outside the complaints policy or the federation's remit;
- Insisting on processes incompatible with the complaints procedure or good practice;
- Making groundless complaints about staff handling the complaint, or seeking their removal;
- Making an unreasonable number of contacts by any means regarding a specific complaint;
- Making persistent and unreasonable demands or expectations after being advised of their unreasonableness;
- Harassing, verbally abusing, or intimidating staff, including use of offensive or racist language;
- Raising new or subsidiary issues while a complaint is being addressed;
- Introducing trivial or irrelevant information and expecting it to be considered;
- Changing the substance of the complaint without reasonable justification;
- Denying statements made earlier in the process;
- Recording meetings or conversations without prior consent;
- Pursuing complaints simultaneously with multiple bodies ("scattergun" approach);
- Refusing to accept the outcome of the complaints process, repeatedly arguing or denying an adequate response has been given;
- Making the same complaint repeatedly, with minor differences, after the process has concluded;
- Persistently approaching the federation through different routes about the same issue;
- Seeking outcomes that are unrealistic or outside legal or policy constraints;
- Refusing to accept documented evidence as factual;
- Complaining about historic and irreversible decisions, or publishing defamatory or personal opinions on social media.

## Distinguishing Genuine Concerns

Raising legitimate queries or criticisms of the complaints process, such as concerns about timescales, or expressing dissatisfaction with the outcome of a complaint (even more than once), does not in itself make a complainant vexatious or unreasonably persistent.

## Procedure for Managing Vexatious or Habitual Complaints

**Initial Assessment** - The Head of Site or Executive Head will review the complaint and the complainant's behaviour against the criteria above.

**Panel Review** - If deemed necessary, a panel of at least three governors will be consulted before this policy is invoked. In urgent cases, the Chair of Governors may authorise action pending full panel ratification.

**Notification** - The complainant will be informed in writing that their complaint has been classified as vexatious or habitual, the reasons for this decision, and any restrictions to be applied to their communications with the federation.

**Restrictions** - We will ensure that every complaint is, or has been, investigated thoroughly in accordance with our complaints procedure.

Any restrictions imposed will be proportionate to the specific circumstances of the complainant and may include:

- Prohibiting the complainant from making telephone contact, except through a third party (such as a solicitor, councillor, or friend acting on their behalf);
- Restricting the complainant from emailing individual staff, all federation employees, or governors, and requiring that all correspondence be conducted by letter;
- Banning the complainant from entering federation sites, premises, or grounds.

Should there be any serious incidents involving aggression, violence, disruption, or refusal to leave Federation premises when requested, we will immediately notify the Police and confirm our actions in writing. This may result in the individual being barred from all federation sites.

Please note that school premises are not public spaces. While parents and carers have legitimate reasons to enter school grounds, the Education Act 1996 makes it an offence for anyone to cause a nuisance or disturbance as a trespasser. The school reserves the right to withdraw a parent or carer's implied permission to enter the premises if their behaviour is violent or aggressive. Any subsequent entry would be considered unlawful and could lead to prosecution.

These measures apply to all individuals engaging with the federation, not just parents. Additional actions may include:

- Banning the complainant from accessing any federation buildings except by prior appointment;
- Requiring all communication to be directed to a single, named member of staff;
- Limiting telephone calls to specific days, times, or durations;
- Requiring that any face-to-face meetings occur in the presence of an appropriate witness;
- Informing the complainant that we will not respond to or acknowledge further contact regarding a specific complaint (in such cases, a designated staff member will monitor future correspondence).

If it becomes necessary to implement these measures, a federation representative will write to the complainant to explain:

- The reasons for our decision;
- The specific actions being taken;
- The duration of these actions;
- The complainant's right to make representations if they believe the federation's concerns are unfounded, including details of the policy review process;
- The complainant's right to contact the Local Government Ombudsman if they feel they have been treated as a vexatious or persistent complainant.

If unacceptable behaviour continues, the Executive Head, in consultation with the Chair of Governors, may decide to cease all contact with the complainant and discontinue any further investigation into their complaint.

In cases of extreme behaviour or where staff safety and welfare are at immediate risk, we may take further action, such as reporting the matter to the Police or pursuing legal proceedings. In such instances, prior notice to the complainant may not be given

## **Review and Monitoring**

The decision to classify a complaint as vexatious or habitual will be reviewed periodically by the Executive Head and the panel of governors to ensure fairness and proportionality.

The complainant will be informed of the outcome of any review and their right to appeal the decision to the Governing Body.

## **Referring Unreasonably Persistent or Vexatious Complainants to the Local Government Ombudsmen**

In some cases, relations between organisations and unreasonably persistent or vexatious complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

## **Record Keeping**

Adequate records will be retained by the school of the details of the case and the action that has been taken. The Executive Head will retain a record of:

- The name and address of each service user who is treated as abusive, vexatious or persistent;
- When the restriction came into force and ends;
- What the restrictions are;
- When the service user /complainant and departments (appropriate members of staff/governors) were advised.

A report on the number and duration of vexatious complainants will be considered by governors annually.

## **Supporting Staff and the School Community**

The federation will ensure all staff are supported and that the wellbeing of pupils, staff, and the wider school community is protected throughout the process. We will not normally limit the contact which complainants have with federation staff, but we will take action to protect staff from behaviour that is abusive, offensive, or unreasonably persistent.

**APPENDIX 1**

| <b>COMPLAINT FORM</b>   |                       |                          |  |
|---|-----------------------|--------------------------|--|
| Please complete and return to the school office in a sealed envelope marked “ <b>Private &amp; Confidential</b> ” addressed to the Executive Head, Chair of Governors or Clerk to the Governing Body, depending on who or what the complaint is about. You may wish to email this form to us – please refer to the information on page 2 of this policy. Once received, we will acknowledge receipt along with an explain of what action will follow. |                       |                          |  |
| <b>Setting:</b>   | Bidwell Brook School  | <input type="checkbox"/> |  |
|   | Ellen Tinkham School  | <input type="checkbox"/> |  |
|   | Ellen Tinkham College | <input type="checkbox"/> |  |
| <b>Your name:</b>   |                       |                          |  |
| <b>Pupil’s name (if relevant):</b>  |                       |                          |  |
| <b>Your relationship to the pupil (if relevant):</b>  |                       |                          |  |
| <b>Address including postcode:</b>  |                       | <b>Daytime tel:</b>      |  |
|   |                       | <b>Evening tel:</b>      |  |
| <b>Your email address:</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?**

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

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**Signature:**

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**Date:**

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**For official use only:**

Acknowledgement sent by whom:

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Action taken:

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