



The Nebula Federation Complaints Policy

**Including the Policy and Procedure for Managing Serial and Unreasonable Complaints and
Dealing with Persistent or Vexatious Complaints or Harassment from Parents or Members of
the Public**

Appendix 1 to include RSHE Query Flowchart for Parents

Head - Nebula Federation

All schools in the Nebula Federation want their pupils to be healthy, happy and safe, and to achieve. The schools in our Federation recognise that parents, guardians or carers play an important part in making this happen. Cooperation between parents, staff and governors leads to a shared sense of purpose and a positive, productive atmosphere in the schools.

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Aims of the policy

The aims of the policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between a school and persons who wish to express a concern or pursue a complaint;
- Support the wellbeing of the children, staff and everyone who has a legitimate interest in the work of a school and the Federation, including governors and parents;
- Deal fairly with all who make a complaint including those who make persistent or vexatious comments and complaints and those who harass members of school staff in person, or in written communication, including social media.

Principles:

- Our Schools will seek to resolve all complaints through the informal stages but depending on the nature of the complaint, there may be a need to follow the formal complaints procedure. We will respond as quickly and effectively as possible.
- We want all our pupils to be healthy, happy and safe, and to achieve to their full potential. We recognise that parents, guardians or carers play an important part in making this happen. Cooperation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in our schools.
- Each level of the procedure offers the opportunity for concerns and complaints to be resolved as quickly as possible.
- We insist on mutual respect from all parties at all times. Aggressive or abusive behaviour in person, or in written format, including social media, is not acceptable and will not be tolerated at our schools.
- All complaints will be dealt with in confidence.
- Anonymous complaints will not be investigated

Parents' Expectations of a School

Parents/carers/members of the public who raise either formal complaints or informal concerns with a school can expect the school to:

- Regularly communicate to parents/carers in writing:
 - a) How and when problems can be raised with the school
 - b) The existence of the Federation's complaints policy
- Respond within a reasonable time
- Be available for consultation within reasonable time limits bearing in mind the needs of the children 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 Federation's Complaints Policy
- Keep complainants informed of progress towards the resolution of the issues raised

The Federation's Expectations of Parents/Carers/Members of the Public

The Nebula Federation can expect parents/carers/members of the public who wish to raise problems with a school to:

- Treat all school staff with courtesy and respect
- Respect the needs and wellbeing of children and staff in the school
- Avoid any use, or threatened use, of violence to people or property
- Avoid any aggression, verbal abuse, or written abuse, including any posts on social media
- Recognise the time constraints under which members of staff in the school work and allow the school a reasonable time to respond
- Recognise that resolving a specific problem can sometimes take time
- (In the case of a complainant) follow the Complaints Policy.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at our schools. Any person, including members of the public, may make a complaint to the school in the 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.

Each level of the procedure set out in this policy offers the opportunity for concerns and complaints to be resolved as quickly as possible. How an issue is handled gives people a clear idea of how committed the Federation and Governing Board are to giving the best possible provision.

Issues will be dealt with by the school together with parents/carers as calmly, courteously and as quickly as possible. For this reason, complaints should be made as soon as possible after an incident arises and in any event within three months of the incident giving rise to the complaint. It is accepted there may be good reasons why a complaint has not been made earlier (e.g. in order to gather information to support the complaint or a parent was not fully aware of the implications of an incident until a later date) and when this is the case the complaint should include the reasons for the delay.

All Complaints will be dealt with confidentially and we expect complainants to observe confidentiality also.

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. All schools in the Nebula Federation take 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 Head of School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head of School 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, the school 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.

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 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 board 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.

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.

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 the schools in the Nebula Federation other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Norfolk County Council.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.

Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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 a 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.

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the federation as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved and the Governing Board requests that complaints are not discussed publicly, including via social media.

Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy that can be found on the school's website.

Resolving complaints

At each stage in the procedure, the school 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.

The Complaints Procedure

There are 4 levels to the process:

1. Informal, raising a concern with the Class Teacher or relevant member of staff.
2. Informal, where the discussion is with the Head of School and then with a member of the Executive Deputy Leadership Team if the concern is not resolved.
3. Formal complaint letter to Executive Headteacher of the Federation.
4. Formal complaint to the Chair of Governors of the Governing Board requesting a Complaint's Panel.

All stages of the process are covered in detail below.

Level 1 – informal raising a concern with the Class Teacher or relevant member of staff

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class/subject teacher, about their concern. Third party complainants should speak to an appropriate member of business support staff (e.g. office manager). It is best to resolve issues at this point. It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away. Audio recording of any meetings is not permitted, this includes recording by way of mobile phone.

Level 2 – Informal, where the discussion is with the Head of School/Senior Leadership Team if the concern has not previously resolved at Level 1

Parents/carers dissatisfied with the result of the discussions with the class/subject teacher should ask for an appointment to meet with the Head of School.

If a resolution to the issue is proving difficult to find, parents, carers or guardians should ask for an appointment with a member of the Executive Deputy Headteacher Leadership Team.

The Executive Deputy Headteacher can speak to one member of the Governing Board about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

The Executive Deputy will write a letter to parents summarising what has been agreed regarding the issue.

Level 3 – Formal complaint letter to Executive Headteacher

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Parents, carers, guardians or third-party complainants wishing to move to level 3 must submit a formal complaint to the Executive Headteacher by letter. The formal complaint submission will need to set out clearly the issues which have previously been discussed and why the parent, carer, guardian or third party considers the issue to be unresolved. The formal complaint submission should also outline the resolution, which they are seeking.

The Executive Headteacher should consider the complaint and investigate as appropriate before writing to the complainant outlining their findings. The Executive Headteacher should respond in writing within 10 working days of receipt of the formal complaint submission.

The decision that the Executive Headteacher has made as a result of the complaint does not become a complaint about the Executive Headteacher. If the complainant feels the complaint has not been resolved, he/she should proceed to Level 4, a Governors' Complaints Panel.

Level 4 – Formal complaint to the Chair of the Governing Board requesting a Complaint’s Panel.

Time Scales: Who	What	When
Complainant	Written complaint sent to Chair of the Governing Board	Within 10 school days of last formal meeting with Executive Headteacher
Chair of Governors	Receipt of complainant’s letter	Acknowledgement within 10 school days
Clerk	Receipt of complainant’s letter	Governors’ Panel meeting arranged to meet within 20 school days (unless this goes into school holidays, where the meeting will be held after the break)
Clerk	Written documentation sent to Governors’ Panel Members, complainant and Executive Headteacher	5 school days before the meeting.
Clerk	Governors’ Panel members decision communicated to all concerned	As soon as possible but in writing within 10 school days of the meeting.

Complainants wishing to move to level 4 of the formal complaint procedure will need to submit to the Chair of the Governing Board a formal complaint requesting a ‘complaint panel is arranged’ either in writing to the school address marking the envelope ‘urgent, private and confidential, For the Attention of the Chair of the Governing Board. This formal complaint must be received within 10 school days of the last meeting with the Executive Headteacher concerning the issue.

The formal complaint submission will need to set out the complaint that has previously been formally discussed with the Executive Headteacher, show why the matter is not resolved and detail the preferred outcome. The Chair will review the complaint and any submissions that are invalid or spurious will be rejected and no panel established.

A Complaint Panel consisting of 3 members and a clerk will be organised to meet within 20 school days from receipt of the complaint. All three panel members will have no prior knowledge of the content of the complaint.

If the complaint is received within 19 days of the end of term, it may not be possible to organise the governor’s panel meeting. In this case, the matter should be dealt with within 10 school days of the school reopening.

The complainant and Executive Headteacher may be invited to attend the Governor’s Complaints Panel meeting to give a verbal statement in support of their documentation. The complainant and Executive Headteacher can bring someone to support them if they wish, however, this person will not be allowed to contribute to the meeting. Legal representatives are not allowed to attend the review meeting.

A copy of the panel pack will be issued to all those attending the panel 5 school days in advance of the meeting. The decision of the panel will sent to all parties within 10 days of the meeting being held.

The decision of the Complaints Panel is final

Once a Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of the Panel should inform the complainant that the matter is closed.

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 Nebula Federation – Complaints Policy

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school 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, by telephone on: 0370 000 2288 or by writing to:

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

Managing serial and unreasonable complaints

The schools in the Nebula Federation 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 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 Nebula Federation defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses 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
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school site/s.

Vexatious and Persistent Complaints

Vexatious Complaintants

The Head of School and all staff deal with specific complaints as part of their day-to-day management of the school in accordance with this Policy.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant, who could be a pupil's parent, relative or carer.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing complaints. The consequences are that the actions of the complainant begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of staff, children and parents in the school community. In these exceptional circumstances, the federation may take action in accordance with this policy.

Who is a Persistent Complainant?

For the purpose of this document, a persistent complainant is a parent/carer/member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- Actions which are persistent, obsessive, harassing, prolific, repetitious
- Prolific correspondence, use of social media, or excessive email or telephone contact about a concern or complaint
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- An insistence upon pursuing complaints in an unreasonable manner
- An insistence on only dealing with a specific member of staff on all occasions irrespective of the issue and the level of delegation in the federation to deal with such matters
- An insistence on repeatedly pursuing a complaint where the outcome is not satisfactory to the complainant, but cannot be changed

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

- Appear to be targeted over a significant period of time on one or more members of the school staff and/or
- Cause ongoing distress to the individual member(s) of the school staff and/or
- Have a significant adverse effect on the whole/parts of the school or its community including individuals
- Are pursued in a manner which can be perceived as intimidation and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, wellbeing and health.

The Schools' and/or Federation's Actions in the Case of Persistent or Vexatious Complaints or Harassment:

In the first instance, the school will verbally inform the complainant that their behaviour is considered to be becoming unreasonable/ unacceptable and, if it is not modified, action may be taken. This will be confirmed in writing.

If the behaviour is not modified the school may take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school's community:

Inform the complainant in writing that their behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this guidance.

Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of the meeting may be taken in the interest of all parties.

Inform the complainant that, except in emergencies, all routine communication with the complainant should be by letter only.

In the case of physical or verbal aggression, take legal or specialist advice and consider warning the complainant about being banned from the school site; or proceed immediately to a temporary ban

Consider taking advice on pursuing a case under Anti-Harassment legislation

In situations where the complainant's actions taken would be considered libellous (including use of social media), or slanderous, take appropriate legal action in defamation.

Consider taking advice about putting in place a specific procedure for dealing with complaints from the complainant i.e. the complainant will not be able to deal directly with the Head of School/Executive Deputy/Executive Headteacher but only with a third person to be identified by the Governing Board who will investigate, determine whether or not the concern/complaint is reasonable, or vexatious and then advise the Executive Headteacher accordingly.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances' advice may be sought.

Members of the Governing Board will act as a Complaints Panel at the appropriate procedural stage, and this panel will include an independent member.

Appendix

Complaint Form

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

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

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: