



AYLESBURY
GRAMMAR SCHOOL
Founded 1598

COMPLAINTS POLICY & PROCEDURE

This policy is updated and approved by the Governing Body every 3 years

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The next update will be due by September 2024

Signed:

Mr R Williams – Chair of Governors

COMPLAINTS POLICY AND PROCEDURE

1. Scope and application

- 1.1. This document describes the procedure to provide a framework for the resolution of complaints, addressed to Aylesbury Grammar School. It is designed to ensure that all concerns or complaints are taken seriously, managed fairly, efficiently and at the appropriate level.
- 1.2. The School defines a “concern” as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’, and a “complaint” as ‘an expression of dissatisfaction however made about actions taken, or a lack of action.’ In cases where it is unclear whether a matter is a concern or a complaint, the Head will determine the interpretation.
- 1.3. The School, in collaboration with students and parents, aims to provide an exceptional education. If a parent or member of our community has any concerns about the School or their son’s education, it is important that they contact us at the earliest opportunity.
- 1.4. It is in the best interests of all parties that any concern or complaint is expressed and resolved quickly and at the earliest possible stage. The underlying principle is that good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of this procedure is to provide a clear structure for the resolution of complaints and thus ensure that the provision for students is not impaired.
- 1.5. This policy applies only to complaints by Parents. The School has separate grievance and whistleblowing policies to cover concerns that a member of staff may have. This policy does not apply to matters for which there are separate statutory procedures (e.g. admission appeals, exclusion reviews, special educational needs appeals, etc.). This policy does not apply to Complaint Campaigns (see Section 9).
- 1.6. The School will not normally investigate anonymous complaints unless appropriate to do so.
- 1.7. The School encourages persons other than Parents who have concerns about the School's operation or site to raise them with the School. They should do so by writing to the [• Head][• Chair of Governors] setting out their concerns and the action sought. Any concerns raised will be investigated and responded to separately to the procedure outlined in this Complaints Policy.
- 1.8. There may be occasions when it is necessary to deviate from this complaints procedure if this is reasonable and justified, subject to the School continuing to meet the statutory requirements under Part 7 of the Education (Independent School Standards) Regulations 2014. Parents will be notified of the changes.
- 1.9. This policy is published on the School's website.

2. Timescales

- 2.1. Whenever possible, in the interests of a prompt resolution of issues, a complaint should 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. We will, however, consider complaints made outside of this timeframe where exceptional circumstances apply. A complaint raised outside this timeframe should therefore confirm the reasons for the delay in raising it.
- 2.2. Timescales for each stage of the School's complaints procedure are set out below. It is expected that the management of every complaint will progress in a timely manner. Where there are exceptional

circumstances resulting in a delay to the timescales for a stage of the complaints procedure (such as other bodies investigating aspects of the complaint), the School will notify the parent and inform them of the new timescales as soon as possible.

- 2.3. Complaints which are raised in the school holidays will usually be deemed to have been received on the first school day after receipt.

3. Introduction

- 3.1. The procedure has three possible stages. Most cases will begin with the informal stage and should be addressed in the first instance to the member of staff at the School most likely to be able to deal with the complaint expressed. Where a Stage 1 informal complaint cannot be resolved after reasonable efforts to do so informally or a more serious matter is in question, then the matter should be progressed to a Stage 2 written complaint which should be sent to the School addressed to the Head. In the event that the matter is not resolved at the conclusion of Stage 2, a Stage 3 Panel Hearing may be requested.

Stage 1 – Informal Resolution

Most complaints are resolved informally by discussion with staff at the School. More difficult or complex complaints may take more than one discussion.

Stage 2 – Formal Resolution – Written complaint to the Head

A formal complaint can only normally be made to the Head. This will usually be after careful and reasonable efforts have been made to resolve the matter informally, but it is accepted that a formal complaint relating to a serious matter may be made without first going through Stage 1.

Stage 3 – Formal Resolution – Panel Hearing

Where the complaint has not been resolved satisfactorily at Stage 2 it may be referred to the Governing Body Complaints Panel.

4. Procedure Stage 1 - Informal Resolution

- 4.1. Most complaints can be resolved informally. The School is happy to receive suggestions and discuss complaints. Where the person raising the complaint seeks specific intervention, reconsideration or some other action to be taken, the School will respond with a positive attitude and aim to resolve the complaint informally.
- 4.2. In most cases, a teacher or the School Office will receive the first approach. Where appropriate, complaints should initially be raised as follows:
 - Educational issues: if the matter relates to the classroom, the curriculum or special educational needs, the complainant should speak or write initially to the Head of Year. Their complaint may be passed to a more senior member of staff if appropriate;
 - Pastoral care: for complaints relating to matters outside the classroom, the complainant should speak or write to the Head of Year;
 - Disciplinary matters: a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the Head of Year;
 - Financial matters: a query relating to financial matters should be addressed in writing to the Resources Director.
- 4.3. For most complaints, the member of staff should aim to resolve the issue as quickly as reasonably possible. If the member of staff to whom the complaint is expressed is uncertain how to resolve the issue, the matter should be referred to the line manager or a senior leader, and the line manager or senior leader should endeavour to resolve the issue under the informal procedures of this procedure. If the

member of staff, line manager or senior leader reasonably believes that the approach relates to a more serious issue or complaint, then it must be referred to the Head.

- 4.4. Wherever appropriate the School should ask the complainant at the earliest stage what they think might resolve the issue. When responding to a complaint the School should advise the complainant of any escalation options at each stage of the procedure.
- 4.5. File notes from the staff member(s) dealing with the complaint and/or file correspondence between the complainant and the staff member(s) which form the record of complaints raised at Stage 1 of this procedure must be retained and may be referred to at later stages of the process.
- 4.6. The complainant should receive a response to the complaint within 15 school days.
- 4.7. If the complainant is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the complainant may make a formal complaint under Stage 2 of this procedure as set out below.
- 4.8. Complaints against the Head
 - 4.8.1. The procedure for dealing with an informal complaint about the Head is set out below:
 - 4.8.2. A Complainant may choose to raise complaints directly with the Head if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. If in writing, the School will not automatically treat the complaint as a formal (Stage 2) complaint and the Head will endeavour to resolve the complaint informally under Stage 1.
 - 4.8.3. The Head will acknowledge informal complaints within three working days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the complainant, to be held within 15 school days of the initial complaint.
 - 4.8.4. If the complainant is dissatisfied with the Head's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the complainant may make a formal complaint under Stage 2 of this procedure as set out below.
 - 4.8.5. Alternatively, a complainant may choose to make their complaint about the Head in writing to the Chair of Governors via the Clerk to the Governors. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out below.
- 4.9. Complaints about the Governors
 - 4.9.1. Complaints about the Chair of Governors, any individual governor or the whole Governing body should be addressed to the Clerk to the Governors via the [•Insert contact here], who will determine the most appropriate course of action. Please mark them as Private and Confidential.

5. Stage 2 – Formal Resolution

- 5.1. Except in the circumstances of paragraph 4.8 and 4.9, all formal complaints must be put in writing, addressed to the Head. Formal complaints should set out briefly and clearly the facts and state what it is that the complainant considers should have been done or where the School has not met reasonable expectations and include a copy of the relevant documents and the details of the outcome desired
- 5.2. The complaint will be acknowledged within five working days of receipt.
- 5.3. The Head will appoint an Investigating Officer. This may be the Head himself, or the Head may delegate the role of Investigating Officer to a senior member of staff, a governor or an independent investigator chosen at their discretion, except in the circumstances of paragraph 4.8 and 4.9 above.
- 5.4. The Investigating Officer will investigate the complaint in whatever manner he/she believes appropriate. This may include any or all of (a) offering to meet the complainant to discuss the matter; (b) seeking further information or comment from the complainant and/or others involved; or (c) seeking legal advice. If a meeting with the complainant is offered, then the Investigating Officer will make all reasonable efforts to enable this to take place within 15 school days of the complaint being received.

- 5.5. Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation has been delegated to a senior member of staff, he/she will prepare a report on the investigation which will be considered by the Head. Personal data may be redacted, and names anonymised or cyphered in line with data protection principles. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant and if no meeting is to take place within 15 school days of the complaint being received.
- 5.6. The Head will inform the complainant of the Stage 2 decision and the reasons for it as soon as reasonably possible.
- 5.7. If the written complaint relates to the Head, this should be addressed to the Chair of Governors who will, if an informal resolution cannot be reached, designate a Governor to investigate in the same way as in the formal process outlined above.
- 5.8. If the complainant is dissatisfied with the response to the complaint, the complainant can request that the complaint be referred to a Complaint Panel under Stage 3 using the procedure set out below.

6. Stage 3 – Formal Resolution – Panel Hearing

- 6.1. If the complainant is not satisfied with the decision at Stage 2, then they may request that the Complaints Panel of the Governing Body consider the complaint.
- 6.2. Any such request must be made in writing, addressed to the Clerk to the Governors at Aylesbury Grammar School, within ten school days of the Stage 2 response being sent to the complainant. It must set out the elements of the complaint with which remain dissatisfied, indicating which matters remain unresolved and what remedy the complainant is seeking. New complaints will not usually be included in such a request, as these will be subject first to Stage 1 and Stage 2 of the procedure. The Clerk will acknowledge the letter in writing within one school week.
- 6.3. If Stage 1 and Stage 2 have not been completed as set out above, the Clerk will respond in writing to the complainant explaining that the Panel cannot usually address any complaint until Stages 1 and 2 have been completed.
- 6.4. The Clerk will then ask the School to put in writing its response to the complainant's reasons. The School will do this within 15 school days.
- 6.5. **The Clerk to the Governors will endeavour to send written notification to each party of the date, time and place of the Hearing at least ten school days before the date of the Hearing.**
- 6.6. **Copies of any additional documents that the complainant wishes the Complaint Panel to consider should be sent to the Clerk to the Governors to be received at least seven school days prior to the Hearing.**
- 6.7. **The Clerk to the Governors will endeavour to circulate a copy of the bundle of documents to be considered by the Complaints Panel of the Governing Body to all parties at least three school days prior to the Hearing. The bundle of documents may include all records held in the complaint file following Stage 1 and/or 2, together with all correspondence and documents received from the complainant following notification of the formal response at Stage 2.**
- 6.8. Upon receipt of the School's response, the Clerk will convene a meeting of the Complaint Panel of the Governing Body. The Panel relating to the complaint will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one person who is independent of the management and running of the School (i.e. they will not be a Trustee/Governor or employee of the School).
- 6.9. The Panel meeting will be held as quickly as practicable. Wherever possible, the meeting will be held within 15 school days of the Clerk receiving the School's response, but it is accepted that given the need to find a date that is reasonably convenient for the complainant, the School and the members of the Panel this timing may not always be achievable.

- 6.10. If assistance with the request is required, for example because of a disability, please inform the Clerk to the Governors who will be happy to make appropriate arrangements.
- 6.11. The complainant may ask the Clerk to the Governors to inform them who has been appointed to sit on the Panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the Panel.
- 6.12. The complainant may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal process, not a legal proceeding, and legal representation is therefore unnecessary and not appropriate.
- 6.13. If the complainant wishes to be accompanied by a relative or friend who is legally qualified, the complainant is required to notify the Clerk to the Governors in the initial request for a Hearing. The complainant should be advised that the Complaint Panel will wish to speak to that person directly prior to the Hearing, and they will not be permitted to act as an advocate or address the Panel at the Hearing unless invited to do so by the Chair of the Panel. If the complainant is so accompanied, the Panel would expect to hear directly from the complainant.
- 6.14. Unless prior to the commencement of the Hearing, a complainant confirms they are satisfied with the outcome of their complaint, the Hearing will proceed notwithstanding that the complainant may decide not to attend. In these circumstances, the Complaint Panel will consider the complainant's complaint in his/her absence and issue findings on the substance of the complaint.
- 6.15. The Panel will appoint a Chair, who may be advised on matters of procedure by the Clerk. The role of the Clerk will also be to make a record of the hearing.
- 6.16. The hearing will be fair and reasonable in its procedures, the following steps will usually be taken:
 - The Chair of the Panel will welcome the participants, conduct introductions and outline the proceedings.
 - The Chair of the Panel will invite the complainant to present their case; this may include any questions to the witnesses for the complainant.
 - The person acting on behalf of the School may question the complainant and/or the witnesses after they have spoken.
 - The Chair of the Panel will invite the Head to present the School's case and call witnesses. The Head may delegate presentation of the School's case to the Chair of Governors.
 - The complainant may question the person presenting the School's case and/or the witnesses after they have spoken.
 - The Chair of the Panel will invite the complainant to sum up, including reaffirmation of the remedy they seek.
 - The Chair of the Panel will ask the person presenting the School's case to sum up, including describing any actions they have taken in response to the matters raised.
- 6.17. At any stage of the proceedings members of the Panel may ask questions to seek information on any matter raised before them.
- 6.18. Witnesses will only be required to attend for the part of the hearing in which they give their evidence and may be asked by the Chair of the Panel to leave the meeting at other times.
- 6.19. The Panel will seek to resolve the complaint during the meeting. If this cannot be done, the Panel will deliberate in private after the meeting with no other parties present, accompanied by the Clerk, to decide on its response.
- 6.20. The Panel will make findings about each complaint on the balance of probabilities and may make recommendations. The responses available to the Panel are as follows:
 - To uphold the complaint in full or in part,

- To dismiss the complaint in full or in part,
 - If upheld:
 - To decide on appropriate action to be taken to resolve the complaint,
 - Where appropriate, to recommend changes to the School's systems and/or procedures in order to prevent similar issues in the future.
- 6.21. The decision of the Panel is final and the Panel has full discretion as to the form of the response. In complex cases the Panel may wish to give a complex response.
- 6.22. The Clerk to the Panel will then send a full response in writing by post to the complainant, and where relevant the person complained about, within five school days, stating the Panel's response and giving reasons for this response. If the matter is complex, the Panel may require more than five school days and the complainant will be informed in advance if reasonable additional time is required. A copy of the findings and recommendations will be made available for inspection on the school premises by the Head.
- 6.23. Having come to a decision about the complaint, the Panel may wish to refer issues of principle or general practice to another forum such as the Governing Body or to an individual such as the Head.
- 6.24. A written record will be kept of all complaints made as a formal written complaint whether they are resolved following a formal procedure or proceed to a panel hearing and action taken by the School as a result of the complaints (regardless of whether they are upheld)
- 6.25. A record will be kept of all complaints and correspondence, statements and records relating to individual complaints. This record will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.
- 6.26. Complaints to the Education Skills and Funding Agency (ESFA)
- Complainants who are dissatisfied with the decision of the Panel may contact the ESFA, which will consider the complaint on behalf of the Secretary of State.
 - The ESFA's contact details are as follows:
 - Online: Via the ESFA's School Complaints Form
 - By post: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

7. Serial or Persistent Complainants

- 7.1. If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this Complaints Procedure, the Head will refer the matter to the Chair of Governors. The Chair of Governors, at his/her discretion, may seek further information or investigation, or may write to the complainant to inform them that the procedure has been exhausted and the matter is closed. The decision of the Chair of Governors in this respect is final.

8. Unreasonable or Vexatious Complainants

- 8.1. Aylesbury Grammar School is committed to providing a high quality service to those who have a legitimate cause for complaint. However, the School does not expect its staff to have to tolerate unacceptable behaviour or breaches of School policy by parents and visitors. The School has adopted the Department for Education's definition of Unreasonable Complainants and has based its Policy for managing serial and unreasonable complaints on the Department for Education's model policy (See Appendix A).

- 8.2. The School will resist abuse of the Complaints Procedure. It will not respond to complaints that are vexatious, repeated or frivolous. It may decline to deal with some complaints where the number and/or type of complaints made by a particular individual is unreasonable.
- 8.3. If, at any stage of the Complaints Procedure the Head believes that a complaint is or has become vexatious he may refer the matter to the Chair of Governors. If it is decided that a complaint is or has become vexatious, the Chair of Governors will advise the complainant that the School will not respond to the matter further, and that should correspondence continue it will be read and filed but will receive no acknowledgment. The decision of the Governors in this respect is final.
- 8.4. In relation to this section, the School defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
- complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance
 - demands for redress that lack any serious purpose or value

Examples are provided in Appendix B.

9. Complaint campaigns

Occasionally the School may become the focus of a campaign and receive a large volume of complaints all based on the same subject and/or from complainants unconnected with the School. In these circumstances such complaints will be dealt with through a separate procedure. The Head and Chair of Governors will determine if the School is the subject of a complaints campaign and send the School's template response to all complainants.

10. Substitution of roles in relation to this Procedure

- 10.1. In the event that a complaint concerns the conduct of the Head, the Chair of Governors will present the School's case at any Stage 3 Panel Hearing and may call the Head as a witness.
- 10.2. For any stage of this Procedure, if the Chair of Governors is unavailable, personally involved or the subject of a complaint, the Vice-Chair will take on his/her responsibilities in this Procedure.

Appendix A – Policy for managing Serial and Unreasonable Complaints (Based of the Department for Education Model Policy)

Aylesbury Grammar School 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 the School. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We adopt the Department for Education definition of unreasonable complaints as those made by persons who, because of the frequency or nature of their contact with the School, hinder our consideration of their own or other people's complaints.

Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations. The School may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects 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 where a complaint has been referred to the Education & Skills Funding Agency);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;

- knowing it to be false; using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the School 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 Head or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Aylesbury Grammar 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 usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include withdraw of the complainant's implied permission to enter or be on the Aylesbury Grammar School site.

Appendix B – Examples of vexatious complaints

For the purposes of Section 8 of this procedure, the following list provides examples of complaints which will be regarded as vexatious. Such complaints are those where the complainant(s):-

- Persist in pursuing a complaint where the School's Complaints Procedure has been properly implemented and exhausted (for example, where several responses have been provided).
- Change the substance of a complaint: continually raise new issues, or raise further concerns or questions upon the receipt of a response.
- Are unwilling to accept that the Governors have reached a final decision on a chosen course of action.
- Persist in pursuing a matter when they have already exhausted all routes of appeal.
- Do not clearly identify the precise issues that they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue a complaint where the concerns are not within the control of the School or its governance.
- Have in the course of addressing a complaint, had an excessive number of contacts with the School representatives placing unreasonable demands on staff time. A contact may be in person or by telephone, email or fax. (Discretion will be used in determining the precise number of 'excessive contacts' applicable under this section, using judgement based on the specific circumstances of each case).
- Make unreasonable demands on those dealing with a complaint, refusing to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Complaints Procedure or normal recognised practice.
- Make repeated counter-complaints against those dealing with the issue, especially with the clear intention of influencing the outcome of the procedure.
- Have threatened physical violence towards staff at any time. This will, in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. The School will consider any complainant who makes threats or used actual physical violence towards staff as a vexatious complaint. The School will inform the complainant of the action to be taken with regard to any further communication received and reserves the right to take legal action in such cases.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. We recognise that complainants sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, the Governors have a duty of care to their employees and reserve the right to take whatever action is deemed necessary to secure their reasonable safety. Any form of harassment, abusive behaviour or verbal aggression will be recorded, and legal action may be taken.