



Dame Alice Owen's School  
The Dame Alice Owen Foundation - 1613

# COMPLAINTS POLICY AND PROCEDURE INCLUDING THE PROCEDURE FOR MANAGING PERSISTENT OR VEXATIOUS BEHAVIOUR AND COMPLAINTS (Statutory Policy)

Agreed by the Governing Body  
To be reviewed  
(reviewed every 2 years)

Autumn 2024  
Autumn 2026

To be monitored by the Senior Leadership Team and the Governing Body

Adopted from the DfE and Herts CC model policies and EFSA best practice guidance.

To be read in conjunction with the [Policy and Procedure for Managing Persistent or Vexatious Behaviour and Complaints](#).

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It is the School's policy to try to reassure any concerns and to resolve any complaints at an informal stage. If this is not possible, the School commits to follow the formal complaints procedure, outlined below, fairly and impartially, in order to resolve the complaint.

## Scope of this complaints procedure

This procedure applies to all complaints other than those relating to:

- Admissions to the school
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Student behaviour outside of school hours. e.g. weekends and holiday periods
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about third parties using or hiring the school premises
- Complaints regarding internal management decisions e.g. class and teacher allocations and school session time changes
- Complaints about a decision or process that has been subject to a full consultation and subsequently approved by the full Governing Body

- Examination results

If you wish to complain about the SEN support provided to your child, you should do it while your child is still registered at the school. This includes complaints that the school has not provided the support required by your child's SEN statement or education, health and care (EHC) plan.

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 Dame Alice Owen's School about any provision of facilities or services that the School provides. Unless complaints are dealt with under separate statutory procedures, the School will follow this complaints procedure. The School will confirm to you upon receipt of whether or not your complaint falls under this policy/procedure and what will happen next if it does.

If other bodies are investigating aspects of the complaint, for example the police, Local Authority (LA) safeguarding teams or Tribunals, this may impact on the School's 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 this happens, the School will inform the complainant of a proposed new timescale.

If a complainant commences legal action against Dame Alice Owen's School in relation to their complaint, the School will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

The school will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **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. Dame Alice Owen's School takes concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible. At each stage in the procedure, the School wants to reassure a concern and resolve a complaint.

Dame Alice Owen's School understands that there are some occasions when people only wish to raise their concerns formally. In such instances, the School will attempt to resolve the issue(s) internally, through the stages outlined within this complaints policy and procedure.

If appropriate, the School will acknowledge that a complaint is upheld in whole or in part. In addition, it 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 the School 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 systems and procedures in light of the complaint
- an apology

### **How to raise a concern or complaint**

A complainant must raise a concern or 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. The School will only consider complaints made outside of this time frame if exceptional circumstances apply.

### **Stage 1: Informal concerns and complaints**

The School expects that most concerns and complaints, where a complainant seeks intervention, reconsideration, or some other action to be taken, can be resolved informally.

A concern or complaint should initially be raised as follows:

- 1. Teaching and Learning** - if the matter relates to the classroom, the curriculum or special educational needs, the complainant should speak or write to the Head of Department or SEN Co-ordinator.
- 2. Pastoral Care** - for matters outside the classroom, the complainant should speak or write to the relevant Pastoral Director or Deputy Headteacher, Pastoral.
- 3. Disciplinary matters** - a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it. Then, if not resolved, with the relevant Pastoral Director or Deputy Headteacher, Pastoral.
- 4. Financial and administrative matters** - a query relating to charges or to other administrative matters should be raised either with the Finance Office or with the School Business Manager.

If the complainant has difficulty discussing a concern with a particular member of staff, the School will respect this. In these cases, the Headteacher will refer the complainant to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer the complainant 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.

If the issue remains unresolved, the next step is a Stage 2 formal complaint. A complaint which has not been resolved by informal means within 10 school days of receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

## Stage 2 - Formal complaints

A complaint that is unresolved at Stage 1 must be set out in writing, giving full details and sent with all relevant documents for the attention of the Headteacher, via the school office.

For ease of use, please use the Stage 2 Complaint Form (Appendix 1) included at the end of this procedure. If you require help completing the form, please contact the school office. You can also ask a third-party organisation such as the Citizens Advice to help you.

In accordance with equality law, the school will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If a formal written complaint is received by another member of the School's staff, they will immediately pass it onto the Headteacher.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing within 5 school days of receipt. The School will consider complaints made outside of term time to have been received by the Headteacher on the first school day after the holiday period.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see if this has not been clearly noted on the complaint form. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. If another member of the school's senior leadership team is appointed as an investigator, they should not have been directly involved in the matters detailed in the complaint.

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

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

At the conclusion of their investigation, the Headteacher will provide a formal written response within 28 school days of the receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and a revised response date.

The response will detail the 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 the actions that Dame Alice Owen's School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

### **Complaints against the Headteacher or member of the Governing Body (including the Chair or Vice-Chair)**

Complaints about the Headteacher or a member of the Governing Body (including the Chair or Vice-Chair) should be addressed to the Governance Professional via the School Office. Complaints should be marked as Private and Confidential.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), then a suitably skilled governor, not directly involved in the matters detailed in the complaint, will be appointed to complete all the actions outlined in Stage 2.

At the conclusion of their investigation, the suitably skilled governor will provide a written response detailing the actions taken to investigate the complaint and providing a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of the actions that Dame Alice Owen's School will take to resolve the complaint.

If the complaint is:

- jointly about the Chair and Vice Chair of the Governing Body; or
- the majority of the Governing Body; or
- the entire Governing Body

Stage 2 will be considered by an independent investigator appointed by the Governing Body.

At the conclusion of their investigation, the independent investigator will provide a written response detailing the actions taken to investigate the complaint and providing a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of the actions that Dame Alice Owen's School will take to resolve the complaint.

The independent investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

### **Stage 3 - Panel Hearing**

If the complainant remains dissatisfied with the outcome at Stage 2, and wishes to take the matter further, they can escalate the complaint to Stage 3 - a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint and one panel member who is independent of the management and running of the school. **This is the final stage of the complaints procedure.**

A complainant can only request a Stage 3 hearing if they have been through the earlier stages of this procedure and are dissatisfied with the Stage 2 decision

A request to escalate to Stage 3 must be made to the Governance Professional, via the school office, within 5 school days of receipt of the Stage 2 response. The complainant must ensure that copies of all relevant documents accompany their letter to the Governance Professional, and state all the grounds for the complaint and the desired outcome. The

request will only be considered if the relevant procedures at Stages 1 and 2 have been completed.

The Governance Professional 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 Governance Professional will convene the Panel within 28 school days of receipt of the Stage 3 request and will inform the complainant of the date of the hearing. If it is not possible to convene a panel, the Governance Professional will provide an anticipated date and will keep the complainant informed. The Panel sits only during term time and within the school day. The Panel will not sit during school holidays nor outside of working hours.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional will decide when to hold the hearing. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair of the Governing Body; or
- the majority of the Governing Body; or
- the entire Governing Body

Stage 3 will be heard by a completely independent panel.

As soon as reasonably practicable, and in any event at least 5 school days before the hearing, the Governance Professional will send the complainant written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or a friend. Representatives from the media and legal representation are not permitted to attend. However, there may be occasions when legal representation may be appropriate e.g. if a school employee is called as a witness in a complaint hearing, they may wish to be supported by union and/or legal representation.

At least 10 school days before the meeting, the Governance Professional 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 Panel at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the complaints procedure.

The Chair of the Panel has the right to decide whether or not the Panel will consider any additional evidence following Stage 2 from either party. If additional evidence is accepted by the Chair, it should be circulated to all parties at least 5 school days before the Panel Hearing in order that it can be considered and commented upon.

The meeting will be held in private. Electronic recordings of hearings, meetings or conversations are not 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 Panel will consider the complaint and all the evidence presented. The Panel can:

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

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

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

The Chair of the Panel will provide the complainant and Dame Alice Owen's School with a full explanation of the Panel's decision and the reason(s) for it, in writing, within 5 school days of the meeting.

The letter to the complainant will also include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Dame Alice Owen's School.

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 Dame Alice Owen's will take to resolve the complaint.

The Panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. The findings and recommendations will be available for inspection on the school premises by the Governing Body and the Headteacher.

A written record will be kept of all formal complaints and of whether they are resolved at Stage 2 or else have proceeded to a Stage 3 Panel Hearing. A written record will be kept of any actions taken by the school as a result of those complaints, regardless of the decision.

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

### **Stage 3 - Complaints where a child is not on the School roll**

The purpose of this complaints process is to ensure that if an error has been made, or an injustice occurred, action can be taken to try and provide a remedy. Where a complainant has removed their child from the school, it is impossible for the school to provide a remedy that will directly benefit them or their child.

However, as the Governing Body has a duty of care to students who remain on roll, where a child has left the school, it will ensure that the circumstances of any complaint made is reviewed so that the Governing Body is satisfied that the school had acted appropriately and that the relevant policies and procedures had been followed correctly.

Where a child is not on the School roll and the Stage 2 process has been exhausted, the Chair of Governors has the discretion to conduct a Stage 3 intervention by way of a Governor Review instead of a Stage 2 Panel meeting.

The Chair of Governors will appoint a Governor who has not been directly involved in the matters detailed in the complaint to undertake the Review. If a Governor cannot be appointed from the School's own Governing Body, the Chair of Governors will appoint an independent governor from another school.

When a Governor has been appointed, they will review the original complaint, the Stage 2 report, the complainant's response to the report (including their escalation request) and any further evidence that either party has submitted. When the review is complete, either the Chair of Governors or the Governor who conducted the review will write to the complainant to inform them of whether the complaint has been upheld, in full or in part, or rejected. They will also describe any recommendations regarding systems or procedures resulting from the Review.

### **Persistent or Vexatious Behaviour and Complaints**

There will be occasions when, despite all stages of the Complaints Procedure having been followed, the complainant remains dissatisfied. If a complainant contacts the School making substantially the same points, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed. Where the conduct of a persistent or vexatious complainant is causing a significant level of disruption to the running of the School, the School will invoke the [Policy and Procedure for Managing Persistent or Vexatious Behaviour and Complaints](#) and legal advice will be sought.

### **Complaint Campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- publishing a single response on the school website
- sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the matter will be reviewed and normal procedures will apply.

## Withdrawal of a complaint

If a complainant wants to withdraw their complaint, the School/Governance Professional will ask a complainant to confirm this in writing. If a complainant is unable to do this, the School/Governance Professional will write to the complainant to confirm their complaint has been withdrawn, in accordance with their wishes.

## Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or that the school or Governing Body acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education once Stage 3 has been completed.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Dame Alice Owen's School. They will consider whether Dame Alice Owen's School has adhered to education legislation and to any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The DfE will require completion of the complaint's procedure within academy schools before any complaint from a school is escalated to the DfE.

The complainant can refer their complaint to the DfE online at: [Complain about a school to the Department for Education - GOV.UK](#), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD



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The Dame Alice Owen Foundation - 1613

# POLICY AND PROCEDURE FOR MANAGING PERSISTENT OR VEXATIOUS BEHAVIOUR AND COMPLAINTS

## General Principles

Dame Alice Owen's School is committed to dealing with all complaints fairly and impartially, in accordance with the School's [Complaints Policy and Procedures](#).

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 decisive action to protect them from such behaviour, including that which the School deems to be abusive, offensive or threatening.

## Definition of 'unreasonable behaviour'

We define unreasonable behaviour as that which affects the smooth and efficient running of the School on a daily basis, or that which hinders the School's 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 replace
- 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before deeming the complaint or vexatious or persistent.

If the behaviour continues, the 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, the School may specify methods of communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only).
- Requiring contact to take place with a designated member of Staff (e.g. the Headteacher).
- Restricting telephone calls to specific days and times.
- Asking the complainant to enter into an agreement about their future contact with the School.
- Informing the complainant that if they do not follow this advice (as stated above), any further communication/correspondence that does not present significant new matters or new information will only be kept on file and will not be acknowledged or responded to.
- If the complainant tries to re-open an issue that has already been considered through the complaints process, the Chair of Governors will inform them in writing that the process has been exhausted, that the matter is now closed, and that the School will not enter into any further correspondence about it.

The decision of the Headteacher or Chair of Governors to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through the School's complaints process, this is because the decision will be reviewed by the Headteacher or Chair of Governors after six months.

If the Complainant/Parent/Carer's behaviour has remained the same or worsened, the Headteacher or Chair of Governors reserves the right to extend the communication restrictions for a further six months each time they review the situation. If the

Complainant/Parent/Carer's behaviour has improved to a level that the School deems acceptable, then communication restrictions will be lifted on the proviso that should matters regress, the School reserves the right to reinstate the communication restrictions that previously applied.

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

The School also reserves the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.



## Dame Alice Owen's School Stage 2 Formal Complaint Form

Your Name:		
Student's name (if relevant):		
Your relationship to the student (if relevant):		
Your Address:		
Your Postcode:		
Your Email Address:		
Your Telephone no:	Day:	
	Evening:	
	Mobile:	
<b>What is the nature of your complaint? (Please use additional sheets if needed and provide evidence to support the complaint)</b>		
<b>Have you raised your issue(s) with the member of staff concerned at Stage 1? If so, when did you do this?</b>	Yes (inc. date)	No

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**What happened when you complained to the teacher concerned?**

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**What are your desired outcomes?**

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

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**Signed:**

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**Date:**

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Please return your completed complaint form to the School Office either by email at [clerk@damealiceowens.herts.sch.uk](mailto:clerk@damealiceowens.herts.sch.uk) or in hard copy format and it will be passed to the Headteacher or Chair of Governors, depending on the nature of the complaint.