



## **HR - COMPLAINTS POLICY AND PROCEDURE**

**(including Repetitious and Vexatious complaints)**

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## **Scope**

1. The complaints procedure is based on a principle that concerns expressed by a student, parent, carer or any individual or organisation with a concern should be resolved as quickly as possible without the need to escalate to the subsequent formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.
  1. Stage 1 – Informal resolution to concern.
  2. Stage 2 – Formal complaint heard by a member of staff.
  3. Stage 3 – Formal complaint heard by the Headteacher.
  4. Stage 4 – Complaint heard by Governing Body Complaints Panel.
  5. Handling of a complaint referred to the Education & Skills Funding Agency (ESFA).
2. Complaints brought by staff should be investigated using the Grievance Procedure and not this Complaints Policy.
3. Complaints brought by Governors should be dealt with through the Chair of Governors as an item for consideration at an informal level which if necessary may be escalated through formal procedures.
4. Complaints brought by contractors should be dealt with through informal routes but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement and not through this Complaints Policy.
5. Complaints about students should be directed to the relevant School Staff. If a complainant is not happy with the manner in which the complaint was handled, then they may raise a separate complaint through this policy and procedure. The complaints procedure cannot consider the complaint about the student, it can only consider the complaint about how the School handled the original complaint.
6. Complaints about a contractor or visitor to the School should be directed to the Headteacher. If a complainant is not happy with the manner in which the complaint was handled then they may raise a separate complaint through this policy and procedure. The complaints procedure cannot consider the complaint about the contractor or visitor; it can only consider the complaint about how the School handled the original complaint.
7. Any complaint relating to safeguarding will be immediately directed to the Designated Senior Person and safeguarding procedures will then apply.
8. This complaints policy is compliant with Part 7 of 'The Education (Independent Schools Standards) Regulations 2014.

## **Policy**

1. The complaints procedure is based on a principle that concerns expressed by a student, parent, carer or any individual or organisation with a concern should be resolved as quickly as possible without the need to escalate to the subsequent formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure will be invoked.
2. Other than in exceptional circumstances, the school will not normally consider complaints made 3 months or more after the events complained about having taken place. Line Managers or other delegated managers will investigate a complaint about a member of staff. Anonymous complaints will not be considered.
3. The School will retain a written record of all complaints and whether they were resolved at the informal, formal or panel level.
4. All written records, statements and correspondence relating to an individual complaint will be treated with complete confidentiality. However, the School is required to make these records available to the Secretary of State or a body conducting an inspection under section 162A if the 2002 Education Act, if they request access to them.

5. Written information sent out to a complainant may be in either electronic format or in 'hard copy' as the School sees fit.
6. The School has four stages to its complaints procedure.
7. The principles applied by all staff and Governors in applying the complaints procedure are that implementation of the procedure will be:
  - Impartial.
  - Non-adversarial.
  - Timely.
  - Objective.
  - Evidence based.
  - Respects confidentiality.
  - Fair.
  - Addresses all of the points at issue.
  - Provides an effective response.
  - Provides appropriate redress where necessary.
  - Is reported to the Senior Leadership Team so that services can be improved.
8. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.
9. At each stage of the complaints procedure the member of staff responsible will consider how the complaint may be resolved. In considering how a complaint may be resolved the member of staff will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the member of staff to offer either:
  - An explanation.
  - An apology.
  - Reassurance of steps that have been taken to prevent a recurrence of the relevant events.
  - Reassurance that the School will undertake a review of its policies in light of the complaint.
10. The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the Headteacher or Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.
11. The complaints procedure sets out the time limits for each stage of the complaints process. School staff will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain facts, new time limits can be set. The complainant will be sent the details of any changes to the deadlines with an explanation for the delay.
12. All complaints should be processed in accordance with the school's complaints procedure. However, during this process, staff may have contact with a small number of complainants who absorb a disproportionate amount of resources in dealing with their complaints – refer to appendix 3
13. The Governors will publish the complaints policy and procedure on the School's Website.

## **Procedure**

### **The Four Stages of the Complaints Procedure**

1. The complaints procedure has four clear levels. The aim of the policy is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible level.

2. Only if the complaint cannot be resolved at the informal level would it be escalated to the formal level. Only if the complaint cannot be subsequently resolved at the formal level, should it be escalated to a Governing Body Complaints Panel.

### **Principles of Investigating a Complaint**

1. The principles that will be the basis for all investigations of complaints will be that the investigation:
  - Clarifies the nature of the complaint and what remains unresolved.
  - Establishes what has happened so far, and who has been involved.
  - Clarifies what the complainant feels would put things right.
  - Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
  - Conducts the interview with an open mind.
  - Keeps a written record of the interview.

### **Stage 1 – Informal Procedure**

- The class teacher, the Headteacher or other members of staff without the need to resort to a formal procedure can deal with many enquiries and concerns satisfactorily. The School values informal meetings and discussions.
- There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 10 school days. Should this informal stage require more time then the School will inform the complainant of this in writing as soon as this is known.
- If the complaint is about the Headteacher or a Governor then the Chair of Governors will consider the complaint at the informal level. If the complaint is about the Chair of Governors then the Vice Chair will consider the complaint at the informal level.
- Should the face-to-face discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2) of the procedure. A copy of the school's complaints policy will be forwarded to the complainant at this stage.
- The complainant will be asked to complete the formal complaints form and return it to the Headteacher.

### **Stage 2 – Formal Complaint Heard by a Member of Staff**

- The Headteacher will identify the appropriate member of staff to handle the formal complaint at Stage 2. If the complaint is about a member of staff, then it will normally be a more senior staff member that investigates the complaint. If the complaint is very serious then the Headteacher, at their discretion, may escalate the procedure directly to Stage 3.
- The School will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to a Deputy Headteacher or to the Headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary.
- Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Deputy Headteacher or Headteacher may consider referring 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 complaint objectively and impartially is crucial.
- Where the complaint concerns the Headteacher or a Governor, the complainant will be referred to the Chair of Governors. The Chair of Governors will consider the complaint as a Stage 3 formal complaint. Where the complaint concerns the Chair of Governors, the Vice Chair will consider the complaint as a Stage 3 formal complaint.

- Where the first approach is made to a governor, the next step would be to refer the complainant to the Headteacher. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.
- The member of staff considering the complaint will ensure that a written acknowledgement is provided to the complainant within 5 school days of receiving a complaint. The acknowledgement will explain the School's complaints procedure and will give a target date for providing a response to the complaint, which should normally be within 10 school days. If this timeframe cannot be met, a letter should be written within 10 school days explaining the reason for the delay and providing a revised response date.
- The member of staff considering the complaint will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.
- Once all of the facts have been established the member of staff considering the complaint will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the School will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.
- When the investigation has been concluded the complainant and the member of staff concerned (if the complaint is about a member of staff) will be informed in writing of the outcome. This may be to the effect that:
  - a. There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
  - b. The evidence did not substantiate the concern, so the complaint cannot be upheld;
  - c. The complaint was substantiated in part or in full. A brief description should then be given of the remedial action being taken by the School as a consequence of the complaint. Details of the investigation or of any disciplinary procedures to be taken against a third party cannot be released.
  - d. The matter has been fully investigated and as a consequence further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations must not be referred to.
- The Headteacher must endorse this report, which should also inform the complainant that should he/she wish the complaint to progress to the third stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 school days of receiving the response.
- If no further communication is received from the complainant within 10 school days, it is deemed that the complaint has been resolved and it is closed.

### **Stage 3 – Formal Complaint Heard by the Headteacher**

- If the complainant is dissatisfied with the way the complaint was handled at Stage 2, they may proceed to Stage 3 and have the Headteacher hear the complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.
- The same timings will apply as in Stage 2. A written acknowledgement will be provided to the complainant within 5 school days of receiving the request for the Headteacher to hear the complaint. The acknowledgement will give a target date for providing a response to the complaint, which should normally be within 10 school days. If the target date cannot be met, a letter should be written within 10 school days explaining the reason for the delay and providing a revised response date.

- The Headteacher will advise the complainant that should they not accept their findings, they can escalate their complaint to Stage 4 – a Governing Body Complaints Panel.
- The Vice Chair of Governors will consider a formal complaint about the Chair of Governors as a Stage 3 formal complaint. The Vice Chair will consult with the Headteacher in their consideration of the complaint.
- The Chair of Governors will consider a formal complaint about the Headteacher or another Governor as a Stage 3 formal complaint. In this case the Chair of Governors will consider the complaint rather than the Headteacher.

#### **Stage 4 – Complaint Heard by a Governing Body Complaints Panel**

- The complainant needs to write to the Clerk to the Governors, as directed by the Headteacher, giving details of the complaint.
- The Clerk should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 school days and should inform the complainant of the arrangements for hearing the complaint within 20 school days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 school days of the date of the hearing to allow adequate time for the documents to be circulated.
- Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
- The Governing Body Complaints Panel will be comprised of between 3 to 5 members, one of which must be independent of the management and running of the School. No person involved should have previous involvement in the complaint.
- If the complaint is about the Headteacher or a Governor, then the Chair of Governors will hear the complaint at Stage 3. If the complainant is unhappy with the outcome at Stage 3 then a Governing Body Complaints Panel, comprised of between 3 to 5 members that have had no previous involvement with the complaint, will hear it. If the complaint is about the Chair, then the Vice Chair will hear it as a Stage 3 complaint. If the complainant is unhappy with the outcome at Stage 3, then a Governing Body Complaints Panel, comprised of between 3 to 5 members that have had no previous involvement with the complaint, will hear it.
- The findings of the Governing Body Complaints Panel are final.
- Intervention of parallel investigations relevant to the complaint by the Police or Children's Services may cause variation to these timescales. The complainant will be notified of any such variation.
- The Clerk to the Governing Body will send a formal written response to the complainant within 10 working days on behalf of the Panel and, where relevant, a copy will be sent to the person complained about.

#### **Handling of Complaint referred to the Education & Skills Funding Agency (ESFA)**

- If a complaint has been through all the stages of the School's complaints procedure but the complainant remains dissatisfied, they can ask the Education & Skills Funding Agency (ESFA) to review the handling of the complaint.
- Further information about referring the handling of a complaint to the ESFA can be found at:

- The complaints about academies page on the Department for Education website:
- <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>
- Write to Academies Central Unit (School Complaints), Education & Skills Funding Agency, Cheylsmore House, Department for Education, 5 Quinton Road, Coventry, CV1 2WT
- Telephone the Department's Public Communications Unit on 0370 000 2288.

## **Appendix 1 – Glossary**

The definitions used in this glossary are

**Academy Trust** – The Academy Trust is the charitable company that runs the School.

**Chair of Governors** – The Governing Body elects a Chair each year.

**Clerk to the Governors** – The Clerk to the Governors may also be referred to as the Company Secretary.

**Complaint** – If a parent, carer, student or any individual or organisation feels that an element of the School's service is unsatisfactory or unacceptable then that is a valid complaint.

**Complainant** – A person or organisation who makes a complaint.

**Education & Skills Funding Agency** – The Education & Skills Funding Agency (ESFA) is the Government department that is responsible for both funding and monitoring standards in Academies.

**Governing Body** – The Academy Trust delegates the running of the School to the Governing Body. The Governing Body is also known as the Board of Directors. School Governors delegate the day-to-day management of the School to the Headteacher and their staff. Apart from Staff Governors, other Governors are non-executives in that they receive no payment for being a Governor.

**Grievance** – A 'grievance' is the term used for a complaint brought by a member of staff and is not dealt with under the School's complaints policy and procedure.

**Panel Members** – The Governing Body Complaints Panel Members are those Governors, and any independent persons, appointed by the Governors to hear a Stage 4 complaint.

**School Day** – School term-time weekdays, excluding bank holidays, weekends, school holidays, inset and training days.

## **Appendix 2 – Conduct of the Governing Body Complaints Panel**

1. The Clerk to the Governors will write and inform the complainant, any witnesses and the Panel of the date and the location of the hearing at least **5 school days** in advance. The notification to the complainant should also inform him/her of the right to be accompanied at the hearing by a friend/interpreter. The letter will explain how the hearing will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher also has the right to bring representation if so desired.
2. The panel can:



1. Dismiss the complaint in whole or in part.
2. Uphold the complaint in whole or in part.
3. Decide on the appropriate action to be taken to resolve the complaint.
4. Recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not recur.
3. The individual Governors sitting on the Complaints Panel should bear the following in mind:
  1. It is essential that the hearing is fair and impartial. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
  2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
  3. An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible.
4. The Clerk to the Governors is the contact point for the complainant and will:
  1. Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
  2. Collate any written material and send it to the parties in advance of the hearing;
  3. Meet and welcome the parties as they arrive at the hearing;
  4. Record the proceedings;
  5. Notify all parties of the Panel's decision.
5. The Chair of the Panel has a key role in ensuring that:
  1. The remit of the panel is explained to all parties;
  2. Ensuring that all parties have the opportunity of putting their case without interruption;
  3. Parents and others who may not be used to addressing a formal panel are made to feel comfortable;
  4. The proceedings are fair and objective and employ the principles of natural justice.
6. The usual conduct of the meeting will be:
  1. The Chair of the Panel will welcome the complainant, introduce the Panel Members and explain the procedure.
  2. The Chair of the Panel will invite the complainant to explain the complaint.
  3. The Panel Members may question the complainant about the complaint and the reasons why it has been made.
  4. The Headteacher will be invited by the Chair of the Panel to question the complainant about the complaint and why it has been made.
  5. The Chair of the Panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the Panel, the Headteacher may invite members of staff directly involved in the complaint to supplement their response.
  6. The Panel Members may question the Headteacher and/or members of staff about the response to the complaint.
  7. The Chair of the Panel will allow the complainant to question the Headteacher/or members of staff about the response to the complaint.
  8. Any party has the right to call witnesses, subject to the approval of the Chair of the Panel.
  9. The Panel, the Headteacher and the complainant have the right to question any such witness.

10. The Headteacher will be invited by the Chair of the Panel to make a final statement.
11. The complainant will be invited by the Chair of the Panel to make a final statement.
12. The Chair of the Panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 10 school days. The Chair of the Panel will then ask all parties to leave except for members of the Panel and the Clerk.
13. The Panel will then consider the complaint and all evidence presented and;
  - 6.13.1 Reach a decision on the complaint and the reasons for it.
  - 6.13.2 Decide upon the appropriate action to be taken to resolve the Complaint.
14. The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Headteacher.
15. The school will record the action it takes as a result of complaints (regardless of whether they are upheld).
16. 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 access to them.

### **Appendix 3 – Complaints Form**

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

<b>Your name:</b>
<b>Student's name (if applicable):</b>
<b>Your relationship to the student:</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint:</b>

**What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response)?**

**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**

<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

#### **Appendix 4 – Repetitious and vexatious complaints**

1. In determining how to identify situations where the complaint might be considered to be repetitious or vexatious, how to respond to these situations and how to appropriately manage such complaints, the following must be considered:
  - That the complaints procedure has been correctly implemented so far as is possible and that no material element of a complaint has been overlooked. It must be appreciated that even repetitious or vexatious complaints may have aspects that contain genuine substance; and
  - That an equitable approach has been followed.

#### **Definitions**

1. Complainants may be deemed to be repetitious or vexatious, where previous or current contact with them shows that they meet two or more of the following criteria:
  - Persist in pursuing a complaint when the school's complaints procedure has been fully and properly implemented and exhausted;
  - Change the substance of a complaint, or continually raise new issues, or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed;
  - Are unwilling to accept documented evidence of treatment given as being factual, or deny receipt of an adequate response despite correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
  - Do not clearly identify the precise issues they wish to be investigated despite reasonable efforts of staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the school to investigate;
  - Focus on a trivial matter to an extent that it is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is 'trivial' can be subjective and careful judgement must be used in applying this criterion;

- Had an excessive number of contacts with the school in the course of addressing a registered complaint or placing unreasonable demands on staff. A contact may be in person or by telephone, email, letter or arriving at the school unannounced and discretion must be used in determining the precise number of 'excessive contacts';
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with their complaint. However, it must be recognised that complainants may sometimes act out of character at times of stress, anxiety or distress and reasonable allowances for this. All incidents of harassment must be documented and logged;
- Have threatened or used actual 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 pursued through written communication. All such incidents must be documented and logged;
- Known to have recorded meetings, face-to-face or telephone conversations without the prior knowledge and consent of the other parties involved; or
- Display unreasonable demands or expectations and fail to accept that these may be unreasonable. For example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or usual recognised practice.

#### **Options for dealing with repetitious or vexatious complainants**

1. Where complainants have been identified as being repetitious or vexatious in accordance with the above criteria, the Headteacher, or an appropriate member of SLT in their absence, will determine what action to take. The Headteacher will implement such action and will notify complainants in writing of the reasons why they have been classified as a repetitious or vexatious complainant and the action to be taken.
2. This notification may be copied for information of others already involved in the complaint. A record must be kept, for future reference, of the reasons why a complainant has been classified as repetitious or vexatious.
3. The Headteacher may decide to deal with complaints in one or more of the following ways:
  - Try to resolve matters, before invoking this procedure, by drawing up a signed agreement with the complainant, which sets out a code of behaviour for the parties involved if the school is to process the complaint. If these terms are contravened, consideration would then be given to implementing other actions as indicated in this section;
  - Once it is clear that the complainants meet any one of the criteria above, they should be informed in writing that they may be classed as repetitious or vexatious complainants, the policy should be copied to them and they should be advised to take account of the criteria in any further dealings with the school. In some cases, it may be appropriate, at this point, to suggest that complainants seek advice in processing their complaint, such as through an advocacy service;
  - Decline any contact with the complainants either in person, by telephone by e-mail, by letter or any combination of these, provided that one form of contact is maintained or alternatively to restrict contact to liaison through a third party;

- Notify the complainant in writing that the school has responded fully to the points raised and has tried to resolve the complaint. However, there is nothing more to add and continuing contact will serve no useful purpose. The complainants should also be notified that correspondence is at an end and that further letters received will be acknowledged but not answered;
- Inform the complainants that in extreme circumstances the school reserves the right to pass unreasonable or vexatious complainants to the school's solicitors, or to the police, if physical violence is threatened; or
- Temporarily suspend all contact with the complainants or investigation of a complaint whilst seeking legal advice or guidance from the local authority, or other relevant agencies.

### **Withdrawing 'Repetitious or Vexatious' Status**

1. Once complainants have been determined as 'repetitious or vexatious', there needs to be a mechanism for withdrawing this status at a later date if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further complaint for which normal complaints procedures would appear appropriate. Each complaint must be reviewed objectively and assessed on merit.
2. Staff should previously have used discretion in recommending 'repetitious or vexatious' status at the outset and discretion should similarly be used in recommending that this status be withdrawn when appropriate. Where this appears to be the case, discussion will be held with the Headteacher, or their deputy. Subject to their approval, normal contact with the complainant and application of the school's complaints procedures will then be resumed.