Department
for Education

Guidance

Best practice guidance for school complaints procedures 2020

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There's separate guidance on setting up a complaints procedure for academies and independent schools.

Handling complaints during the coronavirus (COVID-19) outbreak

We acknowledge that the pressures caused by coronavirus (COVID-19) might affect schools' usual processes and timescales for complaints. However, schools should still consider complaints, particularly those relating to the provision of remote education. Guidance to support effective delivery of remote education is available.

Contact your local council or call the police on 101 if you're told a child is at risk.

Schools and complainants can contact DfE for more information about school complaints.

Ofsted will consider complaints from parents that relate to the school as a whole. This includes complaints about:

- the quality of education being provided, including remote education
- pupils' wellbeing and safety

Ofsted normally expects parents to seek to resolve any concerns with the school in the first instance. See Ofsted's complaints process.

Introduction

In accordance with Section 29(1) of the Education Act 2002, all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

We have produced this guidance to:

- share and encourage best practice
- help schools avoid common pitfalls

There is a difference between 'legal requirement' and 'good practice'. In this guidance, we use:

- must - where a school has a legal duty to do (or not do) something
- can - where a school has a legal power (not a duty) to do something
- should - for guidance on best practice

Under section 29(2) of the Education Act 2002, governing bodies of maintained schools must 'have regard to any guidance given from time to time (in relation to England) by the Secretary of State' when establishing and publishing complaints procedures relating to their school and any facilities or services the school provides.

The phrase 'must have regard', when used in this context, does not mean that DfE's guidance has to be followed in every detail. While DfE's expectations are that schools will adopt our best practice recommendations, schools can apply alternative processes if they have good reason to.

Model policies

We have published non-statutory model policies you may find helpful.

The duty to establish procedures for dealing with complaints lies with the governing body. If you choose to adopt our model policies, you must tailor them to your school.

We recommend that you incorporate a serial complaints policy into your complaints procedure.

The difference between a concern and a complaint

A 'concern' may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, your complaints procedure should be followed.

Who can make a complaint?

You must not limit complaints to parents or carers of children that are registered at the school. Anyone can make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

- parents or carers of children no longer at the school
- members of the public

In accordance with administrative law principles, complainants should be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets the serial complaint criteria.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and you may choose not to respond.

You should not mark a complaint as 'serial' before the complainant has completed the procedure.

Your complaints procedure

You must have your own distinct complaints procedures in place. A guidance document for parents on making complaints does not satisfy the legal requirement to have in place a procedure to deal with all complaints.

You're free to adopt your local authority's model policy if one is provided. However, as the duty to establish procedures for dealing with complaints lies with governing bodies, you must tailor the policy to your individual school.

You should make sure that your complaints procedure:

- is simple to understand and use
- is impartial
- is non-adversarial
- enables a full and fair investigation
- where necessary respects confidentiality
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- provides information to the school's senior management team so that services can be improved

To make sure your complaints procedures are effective, we recommend that:

- you ask the complainant at the earliest stage what they think might resolve the issue - an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action
- when responding to a complaint, you advise the complainant of any escalation options at each stage of the procedure - for example, when communicating the outcome of the stage 1 process, include the details of the stage 2 process
- wherever possible, procedures state what you 'will' do rather than what you 'should' or 'may' do

Try to avoid using ambiguous language in your complaints procedures, as not doing something the procedure states the school should or may do, can lead to further complaints.

Complaints outside of this policy

Some complaints fall outside the school's complaints procedure, for example:

- exclusions
- staff grievances
- disciplinary procedures

Complaints not in scope lists complaints that are not covered by this procedure.

Duplicate complaints

After closing a complaint at the end of the complaints procedure, you may receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject, you can inform the new complainant that the school has already considered that complaint and the local process is complete. You should advise the new complainant to contact the department if they are dissatisfied with the school's handling of the original complaint.

Take care not to overlook any new aspects to the complaint that you may not have previously considered. You will need to ensure these are investigated and dealt with to the full extent of the complaints procedure.

Complaint campaigns

Occasionally, you may become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

We recommend you include a separate procedure in your complaints policy to handle complaints of this nature. This could include:

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

In accordance with the duty on schools to publish their complaints procedures online under the School Information (England) Regulations 2008, any alternative process must be included in the complaints procedure published on the school's website.

You can continue to signpost complainants to us if they're dissatisfied with your response.

Third parties

You should make sure that any third party providers have their own complaints procedures in place if they are using school premises or facilities to offer:

- community facilities
- services

Parental responsibility

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools.

Understanding and dealing with issues relating to parental responsibility contains specific advice about how to approach issues concerning parental responsibility.

Complaints about the headteacher or governing body

The complaints procedure must also set out the steps to follow if the subject of the complaint is:

- the headteacher
- a member of the governing body
- the entire governing body

There may be occasions when it's necessary or reasonable to deviate from the published complaints procedure. This includes not doing something the procedure states you will, should or may do. We recommend that you document any deviation from the published procedure.

If the complaint is escalated to us for consideration and complaint is about any deviation from the published policy, we will ask you for an explanation for doing this, unless one is already included in the evidence provided. If we do not consider the explanation reasonable, or the deviation justified, we may ask you to revisit the complaint and comply with the published complaints procedure.

Publishing your procedure

Under Section 29(1)(b) of the Education Act 2002, you must publicise your complaints procedures.

Following changes to the School Information (England) Regulations 2008, since 1 September 2016, maintained schools must publish their complaints procedures on their websites. This does not apply to community or foundation special schools that are established in hospitals or maintained nursery schools.

If you do not have your own website, it must still be published online. This may be through your local authority's website or other hosting platform, for example, the diocesan or federation's websites.

In the case of federation schools, the federation's governing body is responsible for creating a suitable complaints procedure. The federation's governing body must also ensure that each school in the federation publishes the complaint procedure on their school's website. It is not sufficient for a federation complaint procedure to only be published on the federation's website, unless member schools do not have websites of their own.

Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible.

When reviewing schools' complaints procedures or the handling of a complaint, we may recommend that schools amend their time limits if they are unreasonably excessive or restrictive.

Give realistic and reasonable time limits

Your procedure should set realistic and reasonable time limits for each action within each stage.

Where further investigations are necessary and it's clear published timescales cannot be met, we recommend you:

- set new time limits
- send the complainant details of the new deadline and explain the delay
- allow a reasonable timeframe for complaints to be raised after an incident arises

We consider 3 months to be an acceptable time frame in which to lodge a complaint. Additional time can be given in exceptional circumstances.

You can include a cut-off time frame for:

- raising a complaint
- escalating a complaint

If your procedure includes a cut-off time frame, you should make it clear that you'll take exceptional circumstances into account when deciding whether to accept or progress a complaint.

Any decision made by a school, must also be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- rational
- reasonable
- fair
- proportionate

Decision-makers should also be mindful of The 7 Principles of Public Life.

You must not have 'blanket' policies of refusing to consider any complaints not lodged, or escalated, within the stated period.

Blanket policies are where all cases are treated in the same way, with no allowances made for individual circumstances – this also goes against the principle of 'objectivity' as set out in the The 7 Principles of Public Life.

It is for schools to determine what constitutes exceptional circumstances.

Stages

You're free to choose how many stages your procedure will include. However, we recommend 2 stages, where the second, an appeal stage, is heard by members of the governing body who'll consider the complaint afresh.

This makes sure that:

- decisions are not taken in isolation
- there is always a mechanism by which decisions are considered independently

We do not recommend that the second stage only considers the handling of the complaint at earlier stages. One of DfE's roles in considering school complaints is to review a school's handling of a complaint. Schools should be mindful of this when establishing their complaints procedures.

Your complaints procedure must not state that a complaint can only be escalated to the next stage if the school permits it. Complainants should be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets your published serial complaint criteria.

Informal resolutions

We recommend that complainants and schools attempt informal resolution before making a formal complaint, if it's appropriate to do so.

If the complainant wishes to raise a formal complaint, you should not attempt to prevent this by insisting on informal resolution first.

Legal representation

In the event that a complaint progresses to a committee of members of the school governors, we recommend that neither the complainant nor the school bring legal representation. These committees are not a form of legal proceedings. The aim of the governors committee should be:

- reconciliation
- to put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate.

> **Example**
> If a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

If a complainant commences legal action against the school in relation to their complaint, you should consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

Mediation

Some schools choose to include a mediation stage in their complaints procedures. While this can be useful in helping you and complainants reach an agreement and move forward, there are times when it may not be the most appropriate course of action.

Mediation can:

- provide a helpful mechanism for discussion when a concern is raised
- help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been completed

It should not be used as a substitute for an investigation during the formal stages of the complaints procedure.

If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant should not be prevented from moving to the next investigative stage of the complaints procedure.

Complaints about school staff

We recommend that:

- complaints against school staff are dealt with by the headteacher (stage 1), then a committee of members of the governing body (stage 2)
- complaints against the headteacher are dealt with by a suitably skilled member of the governing body (stage 1) and then a committee of members of the governing body (stage 2)

Complaint about governors

We recommend that:

- complaints against the chair of governors or any individual governors are made to the clerk to the governing body (the clerk), the clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing body (stage 1) and then a committee of members of the governing body (stage 2)
- complaints against the entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint

This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2.

Independent complaint panels

To appoint a governor from another school onto a complaints panel a maintained schools' governing body does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003.

If you arrange complaint panel meetings on an ad-hoc, informal basis, you only need to source governors who are:

- suitably skilled
- can demonstrate their independence

You can approach governors from any:

- category of governor
- associate member of another governing body

Maintained schools can ask governors in academies to serve on a complaints panel and vice versa.

The exception to this is when a maintained school wishes to appoint a standing committee to hear all the complaints they receive under the committee's tenure. To appoint governors from another school onto the complaints committee, you must enter into a formal collaborative arrangement with another maintained school.

If appropriate, the clerk could ask for support from the:

- governor services team at the local authority
- diocese

Recording complaints

The process of listening to and resolving complaints can contribute to school improvement. Governing bodies can use learning identified from across the spectrum of complaint investigations to:

- inform improvements within the school
- improve the effectiveness of the complaints procedure.

You must comply with your obligations under the Equality Act 2010. It's common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

- disability
- learning difficulties
- difficulties using English

You should therefore allow alternative methods of contact. Below are some recommendations on how complaint information can be processed.

How can a complaint be raised

A complaint may be made:

- in person, by telephone or in writing
- by a third party acting on behalf of the complainant

You should make sure you have written consent from the complainant before disclosing information to a third party.

Take brief notes

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be taken. These should be:

- kept securely
- encrypted where appropriate

A copy of any written response should be added to the complaint record.

Recording meetings

Where there are communication difficulties, you may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded.

Schools are data controllers in their own right and you have the discretion via your policies to decide for yourselves whether to allow complainants to record meetings, if it's not required for the purposes of a reasonable adjustment.

You're also responsible for ensuring there is a fair and reasonable purpose for allowing complainants to record meetings, as there may be various levels of identifiable personal information recorded. We recommend you consider:

- how any decision to allow recordings may affect any third parties called to act as witnesses
- the impact and consequences on the individuals involved in the complaint in the event recordings are lost or leaked

Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, we'll support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. We recommend this is made clear in complaints procedures.

Recording complaint progress

You should:

- record the progress of the complaint and the final outcome
- determine who is responsible for these records and make sure the data is kept secure

As schools are data controllers in their own right, governing bodies must decide for themselves how long they keep records, unless statutory regulations apply. For example, copies of attendance registers must be retained for 3 years.

Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary.

You should consider that complainants may have a right to copies of these records under the Freedom of Information Act 2000, the Data Protection Act 2018 and GDPR.

Refer to our Data protection: toolkit for schools or the Information Commissioner's Guide to GDPR for more information.

Role of the clerk

A complaints co-ordinator can provide administrative support in place of a clerk to the governing body, if that is more suitable to the school's needs. However, governance and regulatory advice should be sought from a clerk.

Transferring data

There may be occasions where complaints are made or continue to be escalated after a child has left the school. On changing schools, the pupil's educational record is transferred to the new school and copies may not be retained. Schools can consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained. As information generated by a complaint may not form part of the pupil record, you should consider how best to store this information.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing. The data should be stored securely and, where appropriate, encrypted to maximise security.

Governing body review

We're confident that governing bodies will deal with complaints impartially. However, details of complaints should not be shared with the whole governing body at any stage while they are still being considered, in case a complaints committee needs to be organised.

The exception to this is when a complaint is made against the whole governing body and they need to be aware of the allegations made against them, to respond to any independent investigation.

If the whole governing body is aware of the significant detail of a complaint (that is not collectively against them) before the final stage has been completed, you can consider arranging an independent committee to hear the complaint. You may want to ask for help sourcing governors to serve on a complaints committee from:

- another school
- the local authority's governor services team
- the diocese, if appropriate

Handling complaints fairly

You should make sure that complainants are treated fairly and offered a chance to state their case either in person or in writing, at each stage of the procedure.

Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. They should provide you with evidence of bias in support of their request, as it's your decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then we recommend that you grant such requests.

If you've made reasonable attempts to accommodate complainants with dates for complaint meetings and they refuse or are unable to attend you can:

- convene meetings in their absence
- reach a conclusion in the interests of drawing the complaint to a close

Communicating the outcome

We recommend that you inform the complainant of:

- the conclusion and reasons for any decisions in writing
- any further rights of appeal

We also recommend that copies of the minutes are issued to the complainant. Failure to do so may lead to a further complaint. They may also be entitled to them, subject to any necessary redactions, under the Data Protection Act 2018 and GDPR.

Reviewing your procedure

You should determine how often to review the complaints procedure. We recommend at least every 2 to 3 years, as this should enable you to take into account any:

- legislative changes
- new guidance issued by us

You may delegate responsibility for reviewing the complaints procedure to:

- a committee of the governing body
- an individual governor
- the headteacher

You should adhere to projected review dates set out in the complaints procedure. Failure to do so could constitute a failure to adhere to the procedure.

Bias in the proceedings

Complainants are entitled to a fair meeting or review. Persons who have a conflict of interest should not take part in the complaints process, including proceedings of governing body meetings and committees. If there's any reasonable doubt as to a person's ability to act impartially, they should withdraw from considering the complaint. Where a governor has a financial interest in any related matter, they should also withdraw.

When making decisions, you must not act in a way that is biased. The appearance of bias may be sufficient to taint a decision even if there is no actual bias. This concept derives from the principle that justice must not only be done, but be seen to be done.

Occasionally, complainants contact DfE because they do not believe the school's headteacher or governors will consider their complaint impartially.

We generally consider that governors with no prior exposure to the complaint are suitably impartial, unless the complainant provides us with evidence to the contrary.

We require complainants to submit evidence of bias if they escalate their complaint to DfE.

Complaints not in scope

A complaints procedure should cover all complaints about any provision of community facilities or services that a school provides other than complaints for which there are separate (statutory) procedures, including those listed below.

Admissions to schools

For school admissions, it will depend on who the admission authority is (either the school or the local authority).

Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.

School re-organisation proposals

Contact the local authority or diocese, as appropriate, in the first instance and then escalate to us, if dissatisfied.

Statutory assessments of special educational needs

Concerns about statutory assessments of special educational needs should be raised direct with local authorities.

Matters likely to require a child protection investigation

Complaints about child protection matters should be handled:

- under the school's child protection and safeguarding policy
- in accordance with relevant statutory guidance

Refer to your local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH).

Exclusion of children from school

Further information about raising concerns about exclusions is available in the School discipline and exclusion guidance.

Complaints about the application of the behaviour policy can be made through the school's complaints procedure.

Whistleblowing

You must have an internal whistleblowing procedure for your employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE using our contact form.

Volunteers who have concerns about schools should complain through the school's complaints procedure. Depending on the substance of the complaint they may also be able to complain to:

- the local authority
- DfE using our contact form

Staff grievances

Complaints from staff must be dealt with under the school's internal grievance procedures.

Staff conduct complaints

Complaints about staff are dealt with under the school's internal disciplinary procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you should notify complainants that the matter is being addressed.

Complaints about services provided by other providers who may use school premises or facilities

Schools should direct complainants to follow the external provider's own complaints procedure.

Complaints about the curriculum

Complaints about the content of the national curriculum should be sent to DfE using our contact form.

Complaints about the delivery of the curriculum are for schools to resolve through their complaints procedure. This includes:

- religious education (RE)
- sex and relationships education

The duty on local authorities to consider complaints of this nature was removed under section 45 of the Education Act 2011.

If a school's complaint procedure signposts complainants to the local authority to resolve these and other types of complaints, then governing bodies should seek confirmation from the local authority that they can include these details in their complaint procedure.

Complaints about collective worship

Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should be signposted to:

- the local authority
- the local Standing Advisory Council on Religious Education
- any other relevant body

Withdrawal from the curriculum

Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.

If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, schools should advise them to follow their complaints procedure.

The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

Our role in relation to complaints about maintained schools

Anyone can raise a complaint about a maintained school or a member of maintained school staff to us. We expect that complaints will have completed local complaints procedures first. DfE's contact form clearly explains this and advises complainants to complete local procedures before submitting their complaint.

The exceptions to this include when:

- children are at risk of harm
- children are missing education
- a complainant is being prevented from having their complaint progress through the published complaints procedure
- we have evidence that the school is proposing to act or is acting unlawfully or unreasonably

Intervention

We'll usually only intervene when it is expedient or practical to do so and a governing body or local authority has:

- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising education related functions

Any such intervention will usually be in accordance with the Secretary of State's powers under Sections 496 and 497 (and 497A in relation to LAs) of the Education Act 1996.

When considering a complaint, we review all the evidence provided to us, including the school's published policies, to determine whether it is appropriate to take any action. Action taken by us, where appropriate, typically involves explaining the legislative framework and what it means in practice at the school level or recommending improvements to statutory school policies. However, in some instances it may be appropriate for the Secretary of State to intervene.

We do not take punitive action against schools when breaches of legislation or failures to adhere to statutory policies are identified. However, if serious failings are identified, we may share information about the complaint and our findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

General assistance

Schools and local authorities can contact us for general assistance on complaint handling by:

- calling the National Helpline on 0370 000 2288
- using DfE's contact form
- writing to us at the address below

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

We will not provide explicit advice on what a school should do, unless we are asked to provide a view on any relevant legislative underpinning, but we can explain what options may be open to a school to choose from.

We can also consider complaints about the actions of local authorities in relation to the exercise of their functions under education law if they are brought to our attention.

Managing serial and persistent complaints

You should do your best to be helpful to people who contact you with a:

- complaint or concern
- request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and you may choose not to respond. However, you should not mark a complaint as 'serial' before the complainant has completed the procedure, unless your published serial complaint criteria applies.

Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

You may receive complaints you consider to be vexatious. The Office of the Independent Adjudicator 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

Schools should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Schools may find it useful to establish a policy for managing serial and unreasonable complaints, which we recommend is included in the school's published procedure. We have published non-statutory model policies that you can use.

When to stop responding

The decision to stop responding should never be taken lightly. You need to be able to say yes to all of the following:

- you have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of your position and their options
- the complainant contacts you repeatedly, making substantially the same points each time

The case to stop responding is stronger if you agree with one or more of these statements:

- their letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the Information Commissioner's Office for further advice.

You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably. If you find it difficult to deal with a person who is behaving unreasonably and other strategies are not working, you can approach your local governor services team to ask for assistance.

You can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice.

If an individual persists to the point that may constitute harassment, you should seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools direct.

Once you've decided that it's appropriate to stop responding, you will need to inform the individual.

Barring from school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Headteachers and governing bodies will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, they can be asked to leave school premises. In some cases, individuals can be barred from entering school premises. You should always give the individual the opportunity to formally express their views on a decision to bar.

The headteacher's decision to bar should then be reviewed by either:

- the chair of governors
- a committee of governors

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the bar will be in place
- when the decision will be reviewed

Once the school's appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the schools decision. Individuals wishing to exercise this option should seek independent legal advice.

Controlling access to school premises provides more guidance on access to school premises.

Further information

Useful resources and external organisations

There are a number of different organisations that schools can approach if they require further advice on complaints handling. However, some of these organisations charge schools a fee to access information and advice.

The Information Commissioner's Office can provide advice to schools on data processing and retention.

Other resources

- Governance handbook
- How to complain about a school - advice for complainants
- Understanding and dealing with issues relating to parental responsibility
- Controlling access to school premises - guidance on access to, and barring of individuals from, school premises

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Coronavirus (COVID-19): guidance and support

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