

# The Federation of The Downs & Northbourne Church of England Primary Schools



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# Complaints Policy

**School Mission Statement  
Federation of The Downs and Northbourne CEP Schools**

Our mission is to create a school in which every member feels valued, irrespective of their race, gender or disability and where the development of the whole child is paramount.

We expect high standards from all, and try to provide the maximum opportunities for every member to fulfil their individual potential. Our Christian ethos encompasses tolerance and cultural diversity which will enable us to embrace the challenges of our world.

We strive to make our learning and working environment a safe, but vibrant and stimulating place from which children can begin their journey of lifelong learning.

Our values underpin our entire school curriculum.

**Review every 3 years**

|                                 |   |                            |  |  |
|---------------------------------|---|----------------------------|--|--|
| <b>Reviewed</b><br>October 2018 | <b>Updated legislation</b><br>June 2019 | <b>Next review</b><br>2022 |  |  |
|---------------------------------|---|----------------------------|--|--|

## Federation Complaints Procedure

Our federation is committed to providing the very best education for our young people and want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

### Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the school and all those involved

### Key principles of this policy are:

**Accessibility** – the policy will be available on the school’s website and also can be requested from the school office. It will be in a useable format, free from jargon and will assume no specialist knowledge

**Good communication** – the school will be happy to explain the process for dealing with concerns and complaints

**Timescales**- there will be clear timescales which the school will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.

**Clarity** – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant

**Confidentiality**- appropriate confidentiality will be maintained by all those involved (including school staff and governors).

The governing body will appropriately monitor the nature of the complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

### Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

That the complaint is upheld (in part or in full) and where appropriate, some form of action is taken or recommendation made

**OR**

That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

The complainant may choose to take no further action or take their complaint to the next stage.

### Who can make a complaint?

This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them.

Any member of the public may make a complaint to The Federation of The Downs and Northbourne CEP Schools about any provision of facilities or services that the federation provides.

Children who attend the federation have their own complaints procedure drawn up using the Common Principles for a Child Friendly Complaints Process outlined by the Children's Commissioner.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

### **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 opportunity. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Federation of The Downs and Northbourne CEP Schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, the head teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Federation of The Downs and Northbourne CEP Schools will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher, team leader or head teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 3 of the procedure.

Complaints against school staff (except the head teacher) should be made in the first instance, to the head teacher via the school office. Please mark them as 'private and confidential'.

Complaints that involve or are about the head teacher should be addressed to the chair of governors, care of the complaints co-ordinator via the school office. Please mark them as 'private and confidential'.

Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to the clerk to the governing body, care of the complaints co-ordinator via the school office. Please mark them as 'private and confidential'.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations such as Citizens Advice to help you.

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

### Anonymous complaints

The school will not normally investigate anonymous complaints. However, the head teacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

### Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

### Complaint campaigns

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

### Timescales

Complainants must raise the 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. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by The Federation of The Downs and Northbourne CEP Schools other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions  | Who to contact  |
|---|---|
| Admissions to schools<br>Statutory assessments of Special Educational Needs<br>School re-organisation proposals | For concerns about admissions please see the School's Admissions Policy or contact Kent County Council Admissions team<br><br>Special Educational Needs: The Complainant can use this policy to complain unless the Complainant's child has an Education Health and Care Plan and the Complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the Complainant needs to contact the Local Authority<br><br>School re-organisation proposals should be raised with the <a href="#">KCC Contact Centre 01622 671411</a> |
| Matters likely to require a Child Protection Investigation  | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  |
| Freedom of Information  | Subject Access Requests and Freedom of Information Requests: please see the School's Data Protection and Freedom of Information Policies  |
| Exclusion of children from school*  | Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .<br><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>   |

The Federation of The Downs & Northbourne  
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|---|--|
| Whistleblowing  | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> <p>Anonymous complaints: Please refer to the School's Whistleblowing Policy</p> |
| Staff grievances  | Staff grievance, capability or disciplinary; these are covered by separate School Policies and Procedures  |
| Staff conduct   | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>   |
| Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.  |
| National Curriculum - content   | Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>   |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against The Federation of The Downs and Northbourne CEP Schools in relation to their complaint, we will suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### Resolving complaints

At each stage in the procedure, The Federation of The Downs and Northbourne CEP Schools wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

### Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

**The Stages of the Complaints Process**  
(flowchart of process at appendix 2)

**Stage 1 – Informal Complaint**

Please start by telling the class teacher or form tutor about your concern (or you can complete the concern form appendix 1a). This is usually the best and quickest way of resolving issues. In some cases the class teacher may feel it more appropriate to refer you to a more senior or experienced member of staff who will try to resolve the concern informally.

- It is recommended that you make an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted
- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away
- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem
- It is good practice for the class teacher to make a brief written record of the concerns raised and any actions agreed

**Stage 2 – Formal Written Complaint** (non- parental complaints are likely to go straight to this stage)

If you feel dissatisfied with the outcome of discussions with the class teacher, you should then contact the Head Teacher via the school office. This may be done in person, in writing (preferably on the complaint form appendix 1b), or by telephone. The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

If you are not using the form, your letter should set out clearly the concern and why you feel the issue has not been resolved through informal channels. It is also helpful if you can set out what resolution you are seeking.

*Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the head teacher (or investigator) will:

- Establish what has happened so far, and who has been involved;
- Meet or contact you if they need further information;
- Clarify what you feel would put things right if this has not been set out in your letter or included on your form;
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record

At the conclusion of their investigation, the head teacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 The federation of The Downs and Northbourne CEP Schools will take to resolve the complaint.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2. If the complaint is about the head teacher or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor/independent investigator will be appointed to complete all the actions at Stage 2.

Complaints about the head teacher or member of the governing body must be made to the clerk to the governing body, care of the complaints co-ordinator via the school office.

If the complaint is jointly about the chair and vice chair, or the entire governing body, or the majority of the governing body, stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of its investigation, the independent investigator will provide a formal written response.

### **Stage 3 – Governor Review Panel**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body’s complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the clerk to the governing body, care of the complaints co-ordinator via the school office, within 5 school days of receipt of the Stage 2 response.

The complaints co-ordinator 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 Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from The Federation of The Downs and Northbourne CEP Schools available, the Clerk will source any additional, independent governors through the collaborative links with the Deal Learning Alliance, local governing board members or governors and trustees from within the multi-academy trust, or associate member of another governing body.

Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3. Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. Complainants should provide the Clerk with evidence of bias in support of their request. The decision remains with the Governing Body but The Governing Body will err on the side of caution if the appearance of bias may be sufficient to taint any decision reached.

If the committee is convening following rejection of three proposed dates without good reason the complaint will proceed on the basis of written submissions from both parties but in making their decision they will be sensitive to the complainant’s needs.

When the complainant attends the meeting, they may bring someone along to provide support. This can be a relative or friend. The Department for Education recommends 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

The Department for Education recognises there may be occasions when legal representation is appropriate for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk 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 committee 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 committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee 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 procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally 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. Schools are data controllers in their own right and have the discretion via their policies to decide for themselves whether to allow complainants to record meetings, if it's not required for the purposes of a reasonable adjustment.

The committee will consider the complaint and all the evidence presented. The committee can:

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

If the complaint is upheld in whole or in part, the committee 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 Committee will provide the complainant and The Federation of The Downs and Northbourne CEP Schools with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.



The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by The Federation of The Downs and Northbourne CEP Schools along with copies of the minutes.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a committee of independent governors convened by the clerk from either impartial members of the governing body or independent governors through the collaborative links with the Deal Learning Alliance, local governing board members or governors and trustees from within the multi-academy trust, or associate member of another governing body, an associate member of another governing body or from an entirely independent committee. The committee will consider the complaint and all the evidence presented. The committee can:

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

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

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

The Chair of the Committee will provide the complainant and The Federation of The Downs and Northbourne CEP Schools with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by The Federation of The Downs and Northbourne CEP Schools along with copies of the minutes.

#### **Stage 4 – Escalation to Secretary of State for Education**

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by The Federation of The Downs and Northbourne CEP Schools. They will consider whether The Federation of The Downs and Northbourne CEP Schools has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

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

## Policy for unreasonable complainants

Our school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The school defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

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

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

#### **Persistent correspondence**

If complainants frequently contact the school, causing a significant level of disruption, but refuse to engage with the complaints procedure, The Federation of The Downs and Northbourne CEP Schools can:

- restrict the complainant to a single point of contact via an email address; and/or
- limit the number of times the complainant can make contact.

This restriction will be limited to the complainant's capacity to complain. For all other issues the complainant can contact the school as normal.

#### **Barring from the School Premises**

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

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head Teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

**Concern Form**

|   |         |
|---|---------|
| Please complete and return to the class teacher or team leader who will acknowledge receipt and explain what action will be taken |         |
| Your Name   |         |
| Pupil's Name  |         |
| Your relationship to the Pupil  |         |
| Address   |         |
| Postcode  |         |
| Daytime Tel Number  |         |
| Evening Tel Number  |         |
| Please give details of your concern, including whether you have spoken to anybody at the school about it.                         |         |
| What actions, if any have you taken to try and resolve your concern   |         |
| What actions do you feel might resolve the problem at this stage?   |         |
| Are you attaching any paperwork?  |         |
| Signature   |         |
| Date  |         |
| <b>For Office Use only</b>  |         |
| Date acknowledgement sent   | By Whom |
| Complaint referred to:  | Date:   |

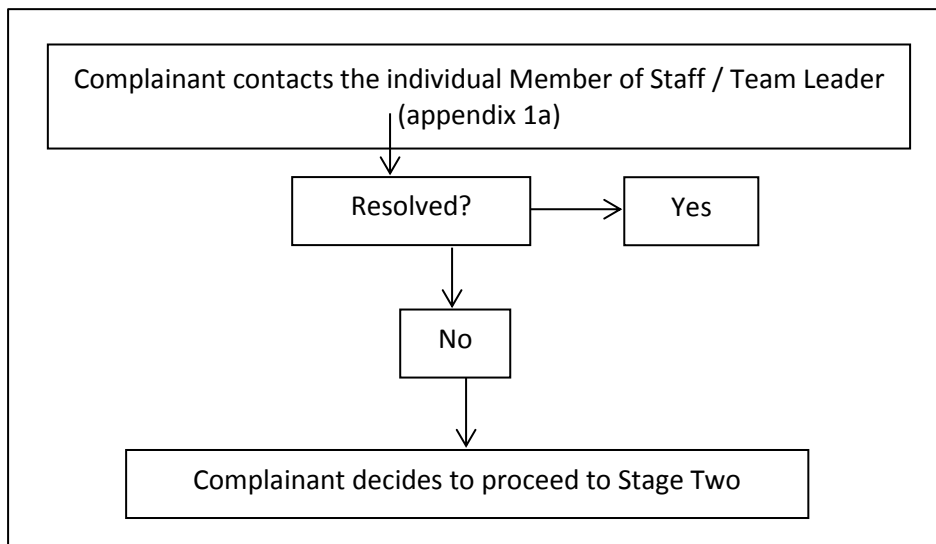
## Complaints Form

|   |         |
|---|---------|
| Please complete and return to head teacher or complaints coordinator via the school office who will acknowledge receipt and explain what action will be taken |         |
| Your Name   |         |
| Pupil's Name  |         |
| Your relationship to the Pupil  |         |
| Address   |         |
| Postcode  |         |
| Daytime Tel Number  |         |
| Evening Tel Number  |         |
| Please give details of your complaint, including whether you have spoken to anybody at the school about it.   |         |
| What actions, if any have you taken to try and resolve your complaint   |         |
| What actions do you feel might resolve the problem?   |         |
| Are you attaching any paperwork?  |         |
| Signature   |         |
| Date  |         |
| <b>For Office Use only</b>  |         |
| Date acknowledgement sent   | By Whom |
| Complaint referred to:  | Date:   |

**Complaints Procedure for Schools – Flowchart**

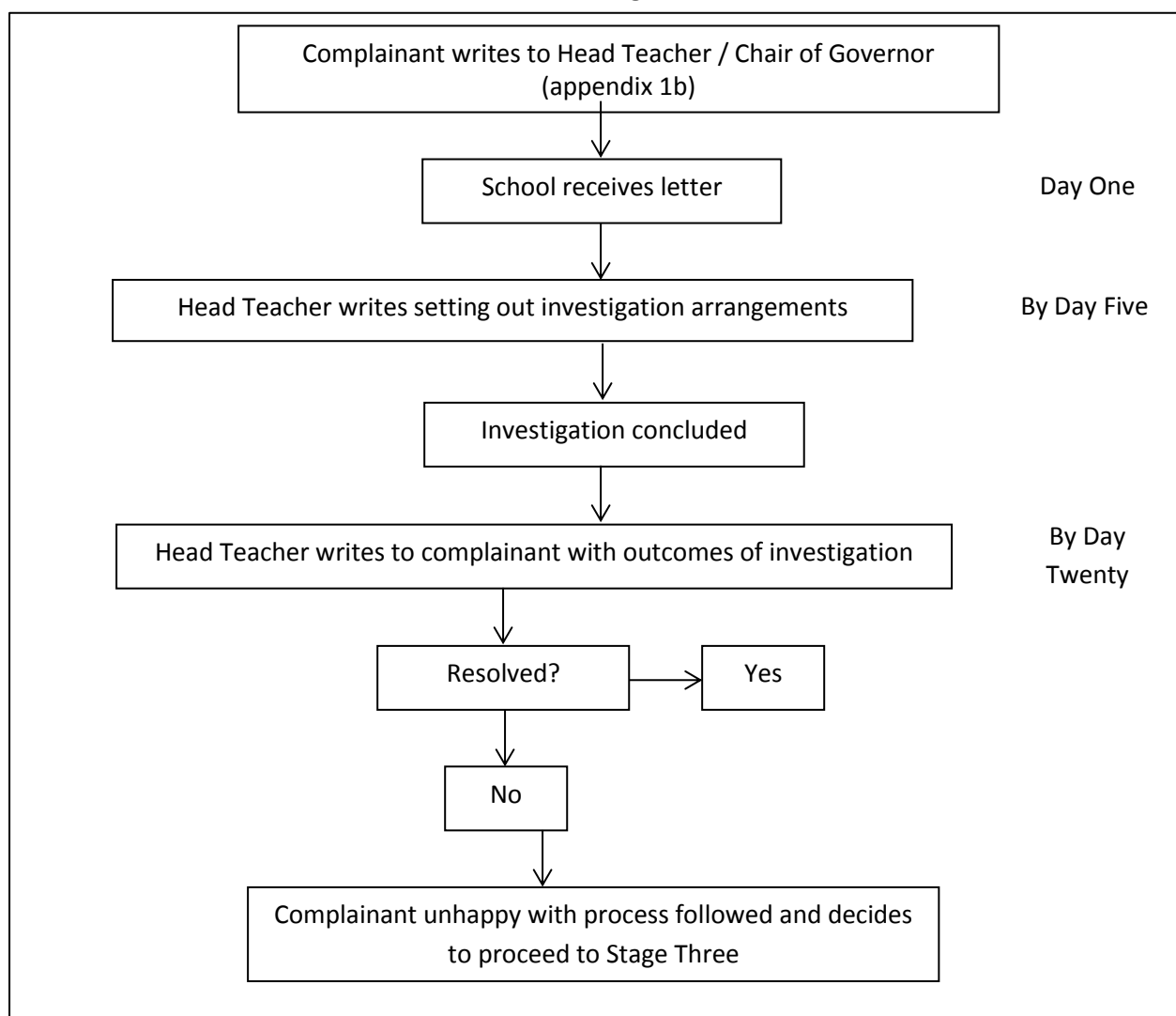
**Stage One**

**Informal Stage**



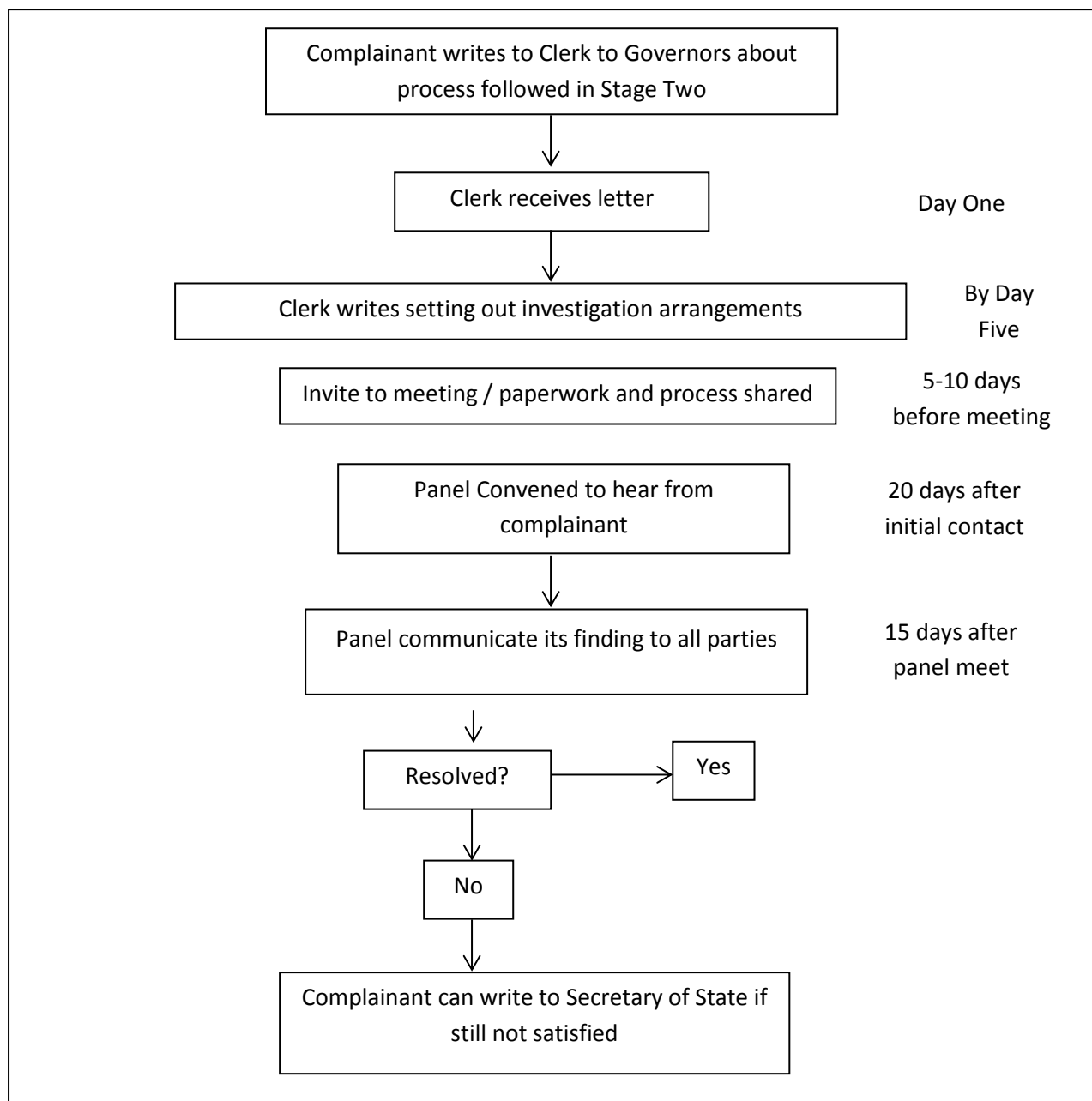
**Stage Two**

**Formal Stage**



### Stage Three

#### Governors Review Panel



**Note:-**

***If the complaint is about the actions of the Head Teacher then the Chair of Governors carries out the Head Teacher role as indicated above.***

## **Governor Complaints Panel procedure**

At the Panel hearing:

- The Complainant will have the opportunity to present their complaint.
- The Head Teacher(or Investigating Governor) will explain the school's position.
- Panel members will have the opportunity to ask questions of the complainant and the Heads of School
- The Head Teacher(or Investigating Governor) will be given the opportunity to make a final statement to the Panel.
- The Complainant will be given the opportunity to make a final statement to the Panel.
- The Chair of the Panel will ask the Complainant if he or she feels they have had the opportunity to say everything they wish to say.
- The Chair of the Panel has responsibility to ensure that detailed minutes are taken.
- The Chair of the Panel will explain to the complainant and Head Teacher(or Investigating Governor) that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and:

- Agree a decision on the complaint;
  - Decide upon the appropriate action to be taken to resolve the complaint; and
  - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- 
- A written statement clearly setting out the decision of the Panel must be sent to the Complainant and Head Teacher or Investigating Governor. The letter to the Complainant should also advise how to take the complaint further.
- 
- The School should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.



## **Procedure to manage complaints about School Governors**

### **General principles**

The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance;
- complaints should be resolved as quickly as possible;
- the process of resolving a complaint should not undermine the work of the governing body;
- where help and support is needed in managing a complaint against a Governor, this could be sought from another school governing body

A Governing Body should conduct its workings with a clear set of expectations of their role and behaviour. This is contained in the Governing Body Code of Conduct which should be signed by all Governors which follows the Nolan Principles of those holding public office

### **Categories of complaints**

Complaints against Governors can be categorised:

- (i) those from other Governors on the governing body;
- (ii) those from members of the public which includes parents;

NB - members of the school staff – See Staff Grievance Policy.

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the Governing Body, which would normally fall to the Chair to manage.

Where the complaint is made against the Chair then:

- (i) it could be passed to the Vice-Chair; or
- (ii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to the Chair of another School Governing Body with whom the Governing Body has made a prior collaborative agreement (2007 Collaboration Regulations /Joint Governor Panel Agreement) to investigate and then forward the recommended outcomes to the Vice Chair.
- (iii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to an experienced Governor who will forward the recommended outcomes to the Vice Chair.

The Governing Body need to consider to what extent the internal investigation of a complaint against a Governor by another Governor generates a conflict of interest or prejudice.

No member of the school staff, including the Head Teachers, should be involved in the investigation of a complaint against a Governor other than as a witness

## Procedure

This procedure is for complaints from members of the public, parents and Governors.

- All complaints must be in writing to the Clerk care of the complaints co-ordinator via the school office, which includes email. For complaints against the Chair the procedure below will be undertaken either by the Vice Chair or an Independent Investigator
- The Chair must inform the Governor against whom the complaint is made, the content of the complaint and how it is to be managed.
- All complaints must be reported to the Governing Body as soon as is practicable, however the information must be restricted to: (a) the date the complaint was received; and (b) against which Governor the complaint is made.
- Unless otherwise agreed by the Governing Body, the Complaint should be managed by the Chair.
- The Chair may wish to seek advice from the Local Authority.
- The Chair should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint the complainant should be able to supply evidence.
- It may be that due to the nature of the complaint, the Chair can resolve the issue at the initial meeting and no further action be taken.
- This outcome should be reported immediately to the Governor who the complaint is against and the Governing Body.
- Where the complaint cannot be resolved at the initial meeting with the Complainant, the Chair will need to meet with the Governor concerned and put to them the complaint in order for them to make a response.
- The Chair or Vice Chair will write a letter to the complainant providing an outcome to their complaint.

The outcome of the complaint could be that:

- (i) the complaint is dismissed;
- (ii) the complaint is upheld in part or whole and a letter of apology is sent to the Complainant;
- (iii) the complaint is detrimental to the reputation of the Governing Body and the Governing Body refer to their Code of Conduct for next steps in line with regulations.

The outcome of the complaint needs to be recorded in the minutes of the Governing Body meeting, for example:

- Complaint was resolved
- or
- That a complaint was made against a Governor and investigated with the outcome being  
xxxxx

Where possible the time lines of the Complaints Policy should apply to this Appendix.

## **Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems

The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator** (administrative staff)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, Chair of Governors, Clerk and the Trust to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator).

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

### **Interviewing Best Practice Tips**

#### **Children/young people**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

#### **Staff/Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ heads of school/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.