



Guidance for Staff and Governors - Complaints Procedure

Scope of the Policy

The procedure only applies to **general** complaints that are received by school. Other issues should be dealt with as follows:

Complaint by member of staff	School Grievance procedure
Capability issues	School Capability procedure
Pupil Exclusion	School Pupil Discipline policy
Admissions to school	Published Admissions Arrangements
Child Protection	Local Authority Child Protection procedures
Special Education Needs	Local Authority Procedures

Publicising the Policy

The School Complaints Procedure should be displayed on the school website and be visible and easily accessible. The school should also consider:

- Including a reference to the Procedure in the school's prospectus the home-school agreement and in bulletins or newsletters
- Providing information to new parents when their children join the school
- Posters displayed in the main entrance or reception area of the school and others used by the public.

Confidentiality

Confidentiality must be maintained at all times, although all parties will need to accept that some information may need to be shared if the complaint is to be fully investigated.

Impact on staff

A complaint is not part of any staff disciplinary process and staff who may be interviewed as part of the investigation must be treated fairly and have an opportunity to state their case. The school should ensure that staff are offered support in dealing with any investigation into a complaint.

The school should ensure that any member of staff who is complained about has the opportunity to respond to the complaint during the investigation and is able to see any response as a result of the investigation. Any disciplinary procedures that may arise from the investigation must be dealt with separately under the school's disciplinary procedure.

Time-Limits

If at any stage further investigations are necessary new time limits can be set. The complainant should be sent details of, and reasons for, the new timescale.

Resolving Complaints

The intention must be to attempt to resolve any complaint. This may be achieved simply by acknowledging that the complaint is valid in whole or in part and/or an admission that the school could have handled the situation better. This is not the same as an admission of negligence. In addition, it may be appropriate to offer one or more of the following:

- An apology,
- An explanation,
- An admission that the situation could have been handled differently or better,
- An assurance that the event complained of will not recur,
- An explanation of the steps that have been taken to ensure that it will not happen again,
- An undertaking to review school policies in light of the complaint.

Complainants should always be encouraged to indicate what actions they feel might resolve the problem. If complainants' views on this are unreasonable they should be made aware of what are reasonable and appropriate outcomes in relation to the specific nature of their complaint.

Management of Complaints

It is highly recommended that a named person within the school has responsibility for the recording and management of complaints. Key functions are to keep appropriate records, monitor progress of complaints, assist the Headteacher/Chair of Governors/Investigating Officer with arrangements to meet/contact complainants, provide admin support and to manage the arrangements for the Governor Panel where this cannot be best performed by the Clerk to Governors.

Recording of Complaints

A confidential record should be held of all complaints with details of the nature and progress of all complaints, when they were made, and their final outcome. The record should include notes of all meetings including what was discussed and agreed. Notes of telephone calls and conversations should be kept along with a copy of any verbal or written response included in the record. The purpose of the Record is for monitoring purposes only and not as a source of information for future references or other issues.

Unreasonably Persistent (Vexatious) Complaints

Prompt action should be taken to deal with vexatious complaints. If the complainant continues to raise the same issue it is reasonable for the Chair of Governors to inform them in writing that the procedure has been exhausted and that the matter is now closed. Further Guidance is at Annex A.

Stage 1 - Informal concerns/complaints

If a member of staff is contacted by a parent/carer with a concern/complaint they should clarify the nature of the concern/complaint and reassure them that the school wants to hear about it. If the matter cannot be dealt with immediately they should make a clear note of the date, name and contact details of the complainant and agree a convenient time to make contact.

The record of the Stage 1 complaint completed by the school should be copied to the complainant to provide evidence that the school has considered their concern/complaint.

If any other member of staff or any School Governor is directly approached by a complainant it is important they emphasise that they can only give general advice about how their complaint might be dealt with. They should encourage the complainant to talk to the Headteacher who will attempt to resolve their complaint informally in the first instance. They should also inform the headteacher about the contact with the complainant as soon as possible.

Where possible Governors should not become directly involved in a complaint at this stage as this would prevent them from taking part in any of the formal procedures which may follow. It may, however, be appropriate for them to accompany the complainant to a planned meeting with a member of staff or the Headteacher at this stage or any other subsequent formal meetings. This would normally only be necessary if the complainant appears uncomfortable about attending meetings and they cannot be accompanied by a friend or representative.

Stage 2 – Investigation

Investigating Officers should make sure that they:

- Establish what has happened so far, and who has been involved,
- Clarify the nature of the complaint and what remains unresolved,
- Provide an opportunity to meet with the complainant or contact them to clarify points made or to provide other information relevant to the complaint,
- Ascertain what the complainant feels would put things right,
- Interview the person who is the subject of the complaint and any other people involved. They should be allowed to be accompanied if they wish,
- Conduct interviews with an open mind to find out facts not judgements and be prepared to persist in the questioning,
- Keep records of all interviews, telephone conversations and other documentation.

It is important that where possible only the Chair of Governors or other nominated governor is involved at this stage as other Governors may have to take part in any subsequent panel hearing.

If the complaint centres on a pupil they may also be interviewed. If pupils are interviewed in a formal situation their parents should be present. If this is not possible then a member of staff who is known and trusted by the pupil should be invited to attend.

A template for Investigation Reports is provided at Annex B to this guidance. The written response should include the full findings, conclusions and the reasons for them. Where appropriate, it should also include recommendations of any actions the school should take to resolve the complaint or deal with procedural issues. The complainant should be advised that if they wish to refer the matter to a Stage 3 Governors Panel they should notify the Chair of the Governing Body within 10 working days of notification of the Stage 2 outcome.

Stage 3 - Governors Panel

At this stage schools would normally be expected to inform the Diocesan Education Service and discuss with them whether a representative of the Service will attend the panel hearing.

A named person should manage the arrangements for the Panel hearing. This should normally be the Clerk to the Governing Body or another suitable person such as the school business manager or other member of the school office team.

The Complaints Panel should be comprised of three Governors with no prior knowledge or previous involvement with the complaint and no personal or pecuniary interest. It is not recommended that teacher or staff Governors form part of the Panel.

***Academies specifically:** Stage 3 Panels for academies must contain at least person who is considered to be independent from the running of the Academy. Directors of the Academy Trust are not seen as 'independent persons' however a member of the local governing body of another academy in the Trust may be selected for the complaints panel as technically they are not be involved in the running of the academy at the centre of the complaint.*

The panel members are responsible for electing the panel Chair.

The complainant, Headteacher, any relevant witnesses and members of the Complaints Panel should be informed at least 5 working days in advance of the date, time and place of the meeting and the complainant should be informed of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and given an explanation of how the meeting will be conducted (see Procedural Guidance for Hearings at Annex C).

It is advised that children should not attend governor panels. However, if the Panel agrees that it would be helpful for a child to be present the permission of the parents should be sought.

The complainant does not have to attend the meeting in which case the Panel will consider the documentary evidence provided by the complainant. A representative may present the evidence on their behalf.

The Headteacher and/or the Investigating Officer should be invited to attend the meeting to state their case. They do not have to attend the meeting in which case the Panel will consider the documentary evidence relating to the investigation.

It is good practice for the Panel to invite representatives from the Diocesan Education Service and the school's HR service provider to provide advice and guidance. Those persons do not have any role in deciding the outcome but can advise on whether the procedure has been followed appropriately and on the reasonableness of the Panel's decision.

At least five working days before the hearing members of the Panel and all other parties should receive all relevant paperwork including:

- A copy of the original complaint.
- An outline of any investigation carried out at Stage 2.
- A copy of the letter sent to the complainant about the outcome at Stage 2.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Stage 2 and requesting that the complaint is heard by a panel.
- Statement for the panel from the Headteacher/investigating officer
- Any additional documentation supplied by the complainant

The meeting should be minuted, normally by the Clerk to Governors.

The Panel can question the complainant, Headteacher and/or investigating officer after they have stated their cases. When the Panel is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome. If further information is needed and it is not available at the time the meeting may be adjourned and re-convened at a mutually convenient time. This should be as quickly as possible and wherever practicable within five working days.

The Panel should reach its decision in private, although advisers to the panel may remain in the room.

The Panel should:

- Consider the complaint in an independent and impartial way and must be seen to do so.
- Establish the facts and make recommendations which will satisfy the complainant that the complaint has been taken seriously.
- Where possible resolve the complaint and achieve reconciliation between the school and the complainant.
- Recognise the complainant might not be satisfied with the outcome if it does not find in their favour.

The panel will decide:

- Whether the earlier investigation(s) were conducted appropriately and reasonably.
- Whether the decision of the Headteacher and/or Chair of Governors/Investigating Officer was reasonable and appropriate.
- An alternative outcome to the complaint where the panel considers that to be appropriate.

Panels can reach either unanimous or majority decisions.

Procedure for Dealing with Unreasonably Persistent (Vexacious) Complainants

Introduction

1. The great majority of people with complaints or concerns about the school behave reasonably in pursuing their complaint. This means that they:
 - treat all school staff with courtesy and respect;
 - respect the needs of pupils and staff within the school;
 - avoid the use of violence (including threats of violence) towards people and property;
 - recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
 - recognise that resolving a specific problem can sometimes take some time;
 - follow the school's complaints procedures.
2. However, sometimes Schools have to deal with **complainants that are unreasonably persistent**.

Definitions

3. An “**unreasonably persistent complainant**” is defined as follows:

An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the school and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
 - prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
 - an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
 - an insistence upon pursuing meritorious complaints in an unreasonable manner.
4. “**Harassment**” is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in (3) in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff; and/or
- cause ongoing distress to individual member(s) of school staff; and/or
- have a significant adverse effect on the whole/parts of the school community; and/or
- are pursued aggressively

Deciding whether a complainant should be deemed an unreasonably persistent complainant

5. Only the Headteacher, with the agreement of the Chair of Governors, may deem a complainant an unreasonably persistent complainant.
6. The Headteacher will ensure that there is sufficient evidence available to justify the decision. They will take legal advice to confirm that the evidence is sufficient.

Action to be taken where a complainant is deemed an “unreasonably persistent complainant”

7. The Headteacher will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
8. Some or all of the following actions may be taken, depending on the particular circumstances of the case:
 - insisting that no member of staff should meet the complainant on his/her own;
 - restricting telephone calls from the complainant to specified days and times;
 - requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the school address;
 - merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
 - after taking legal advice, banning the complainant from the school premises where the complainant’s behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Head teacher.
9. However, all correspondence from the complainant will be considered and any **new and substantive issues** will be addressed and a reply sent to the complainant.
10. New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits.

Stage 2: Investigation of Complaint

Name of school/academy:.....

Name (s) of complainants:.....

Date complaint Received:.....

Investigating Officer:.....

Required from Investigating Officer at Stage 2:

- Acknowledge the complaint within five working days
- Investigate the complaint speaking to all involved and decide how best to resolve it within a further ten working days.
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This should be within five working days of completing the investigation.
- Advise the complainant that if they are dissatisfied with the outcome their complaint will be considered by a Panel of the Governing Body at Stage 3.

Summary of complaint:

[Brief description of the complaint]

Timeframe of relevant events:

[Details of timeline of the complaint and the investigation process]

Information and References:

[Details of relevant policies and documents referred to]

Notes of meetings and discussions

[Include notes here of any face to face meetings or telephone interviews conducted with the complainant or school staff]

Investigation findings

[Summary of findings from investigation]

Recommendations

[Statement of any recommendations for action by the school including any suggestions for changes to procedural changes or the management of complaints by the school]

Signature:

Date:

Model Procedure for the Conduct of a Stage Three Panel

1. The Clerk for the meeting should invite everybody into the room, introduce them and explain the role of each person.
2. The Chair should explain to all present that the purpose of the meeting is to review the complaint, resolve any differences and where possible to achieve a reconciliation between the school/academy and the complainant.
3. The Chair should then outline the proposed procedure for the meeting. They should listen to any concerns about the procedure but has the final decision about the arrangements:
 - (a) The complainant will outline the complaint and may call witnesses.
 - (b) The Headteacher/Investigating Officer will be given the opportunity to seek clarification from the complainant and/or witnesses.
 - (c) The Panel may seek clarification from the complainant and/or witnesses.
 - (d) The Headteacher/Investigating Officer will be given the opportunity to respond and call witnesses.
 - (e) The complainant will be given the opportunity to seek clarification from the Headteacher/Investigating Officer and/or witnesses.
 - (f) The Panel will seek clarification from the complainant and/or witnesses.
 - (g) The complainant will be given the opportunity to sum up.
 - (h) The Headteacher/Investigating Officer will be given the opportunity to sum up.
 - (i) Both parties will then leave the room to allow the Panel to deliberate. Any Diocesan Education Service or HR service provider representative may remain to offer technical and/or procedural advice.
4. The Panel will then arrive at its decision. This will cover:
 - (a) Findings on the complaint.
 - (b) Appropriate action to be taken by the school/academy.
 - (c) Any recommended changes to systems or procedures.
5. The decision will be notified to all parties, in writing, within 7 school days.