

# Goodrich Community Primary School



## Complaints Policy

**Approved by:**

**Date:**

**Last reviewed on:** 5<sup>th</sup> February 2021

**Next review due by:** 5<sup>th</sup> February 2022

## **Goodrich Community Primary School Complaints Policy**

**This policy follows the Southwark model and procedures for a Community School**

### **INTRODUCTION**

At Goodrich we work in partnership with parents, aiming to achieve High Standards for all. Sometimes parents will have concerns about something that has taken place at the school. The first thing to do is to talk to your child's class teacher to resolve the matter together.

#### **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 reassurance is sought'. A complaint may be generally defined as 'an expression or dissatisfaction however made, about actions taken or lack of action'.

It is in everyone's interest that concerns are resolved at the earliest possible stage before they develop into complaints. Many issues can be resolved informally, without the need to invoke formal procedures. Goodrich Community Primary School takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases the school formal procedure will be used as outlined in this procedure.

Goodrich Community Primary School is always ready to consider any concerns parents wish to raise as we are always striving to improve. We are committed to treating all children equally, aiming to obtain high standards for all.

1.1 By law, since 1 September 2003, all governing bodies must adopt a Complaints Policy to enable complaints received from parents and others who do not work at the school to be dealt with effectively. The law requires the complaints procedure to be publicised. DfE guidance is available on [www.governor.net.co.uk](http://www.governor.net.co.uk).

1.2 Governors will satisfy themselves that third party providers of community facilities or services and those using the school's premises in any way have their own complaints procedure.

1.3 Complaints from members of staff will not be dealt with under this policy. Staff must use the Grievance policy instead, a hard copy of which will be provided by the Headteacher, on request.

1.4 Interpretation:

- a) all references to parents includes prime carers and legal guardians
- b) all reference to "days" in this policy means ordinary working school days and excludes training days, bank holidays and days on which the school is closed for whatever reason.

1.5 If assistance with translation or writing is required, the governing body will make the appropriate arrangements.

1.6 All complaints will be dealt with in confidence and matters put to the governors' complaints

committee will remain confidential to those governors.

1.7 The form in **Appendix 1** must be completed if a complainant wishes to move to **Stage 3** (head teacher) **or Stage 4** (governors). The matter cannot progress without a completed form.

1.8 The governors will not consider a matter that has not already been investigated at Stage 3.

## **COMPLAINTS ABOUT STAFF EMPLOYED TO WORK AT A SCHOOL**

2.1 The Headteacher of Goodrich Community Primary School is responsible for the day to day management of the school and is the line manager of the staff employed in the school. Because of this, all complaints must be put to the Headteacher first so that he can investigate them.

2.2 The Headteacher may decide that the governors should deal with a complaint under the separate Staff Capability or Disciplinary policies adopted. In this case, it is the Headteacher's responsibility to start those procedures. Personnel matters are confidential.

2.3 If the Headteacher decides that this complaints policy applies, but there is a possibility that it could in the future lead to capability or disciplinary proceedings, the Headteacher must advise the staff member of that possibility.

2.4 A member of staff against whom a complaint has been made will be given a copy of the complaint and informed that the Headteacher will investigate it. They will be informed that they may be accompanied by a friend or trades union representative to the interview.

## **COMPLAINTS ABOUT THE HEADTEACHERS**

3.1 If a complaint is about a Headteacher, the same procedure applies but, the complainant should go straight to **Stage 3** of this policy. Part 1 of the form in **Appendix 1** must be completed and sent either to the Chair of Governors or clerk of the governing body.

## **COMPLAINTS ABOUT A GOVERNOR**

4.1 If a complaint is about the chair of the governing body, the complainant should go straight to **Stage 3** of this policy. Part 1 of the form in **Appendix 1** must be completed and sent either to the vice chair or the clerk to the governing body.

4.2 If a complaint is about another governor, the complainant should go straight to **Stage 3** of this policy. Part 1 of the form in **Appendix 1** must be completed and sent either to the Chair of Governors or the clerk to the governing body.

4.3 Governors, particularly those who are parents of children in the school and/or who know staff members who are involved personally, are urged to consider any potential conflict of interest before and during an investigation, and to discuss any concerns with the clerk, who is best placed to give impartial advice.

## **CONCERNS OR COMPLAINTS PUT DIRECT TO A GOVERNOR**

5.1 Governors are reminded that they have collective responsibility and it is important that a governor receiving a complaint does not act or try to resolve it alone. Failure to comply with this policy and refer matters to the appropriate person can adversely affect the school's relationship with parents/carers and may have serious consequences. It will also bar the governor from sitting on a committee at a later stage.

5.2 Complaints must not be discussed by governors outside of the procedures under this policy (including discussion at governing body meetings). Such action may compromise the impartiality of any committee member.

## **GENERAL PRINCIPLES OF THIS COMPLAINTS POLICY**

6.1 The aim of the policy is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible.

6.2 It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken.

6.3 Complaints about a former member of staff will not normally be considered if it is more than three months since they stopped working at the school, unless there are exceptional circumstances.

6.4 If an additional or separate complaint is introduced by the complainant or a witness during any stage of the investigation, that complaint must be referred for initial investigation by the head or

governor as a separate matter.

6.5 A concern or complaint will be considered as soon as practicable.

6.6 Those investigating a concern or complaint will endeavour to address all of the points, provide an effective response and, where necessary, appropriate redress. This may include providing information to the school's Headteacher so that improvements can be made.

6.7 Information about children is confidential. Parents wishing to see a child's file must make an appointment with the Headteacher in the proper way, at a mutually convenient time, at the school.

6.8 Confidential personal documents relating to members of staff will not be disclosed.

6.9 Where appropriate, governors involved with the complaints process should receive training.

## THE ROLE OF THE CLERK

7.1 The role of the clerk is to:

- send a copy of the governors' complaints procedure to a complainant on request and advise the complainant on the procedure.
- advise the Headteacher and Chair of Governors that a complaint has been received, the action s/he has taken and on the procedure.
- advise the Headteacher on the content of his/her summary report for the governors and other procedural matters, if a complaint proceeds to Stage 4.
- provide advice and guidance to the governors throughout.
- on request from the Chair of Governors, arrange the **Stage 4** meeting and issue documents to all parties within the guidelines.
- bring the parties and witnesses into the meeting when requested by the Chair of Governors.
- advise on the conduct of the meeting.
- notify the parties of the committee's decision.

## PROCEDURE

8.1 The following is a summary of the procedures to be followed for concerns or complaints

### Stage 1

- The person who has a concern should arrange to talk directly with the staff member concerned informally about their concern.
- It is anticipated that the majority of concerns will be resolved at this point.

### Stage 2

- If the concern is not resolved, the complainant should ask for a more formal meeting with the phase leader or member of senior management to discuss it in more detail. This will normally be arranged within three working days.
- If, unfortunately, the complainant is not satisfied with the outcome, s/he must put the complaint in writing to the Headteacher, using part 1 of the form in **Appendix 1**, within three calendar months of the incident.

### Stage 3

- The Headteacher will investigate and write to the complainant with his/her decision.
- If the complainant is not satisfied with the outcome of the Headteacher's investigation or with the way in which the Headteacher investigated it, they may ask the governors' complaints committee to consider those matters, in the nature of an appeal.
- The reasons for dissatisfaction must be put in writing on the form in Appendix 1 and will provide the focus of the governors' meeting.

### Stage 4

- The governors' complaints committee provides a school based appeal and will consider the reasons for the complainant's dissatisfaction.
- The governors will not reconsider the whole investigation at stages 1, 2 or 3. They will focus on the reasons for the complainants' dissatisfaction that have been given in writing on the form in Appendix 1.
- This committee has no power to consider matters falling under other policies. The decision of the complaints committee is final.

## **Resolving a concern or complaint**

9.1 Options for resolving the concern or complaint include:

- a) an acknowledgement that the complaint is valid in whole or in part
- b) an explanation
- c) an admission that something could have been handled differently or better
- d) an explanation of the steps taken as a result, to ensure that the situation does not recur
- e) confirmation that the policy will be reviewed in the light of the concern or complaint
- f) an apology.

9.2 Options for the Complaints committee at **Stage 4** include the above, and/or to:

- i) dismiss the complaint in whole or in part
- ii) uphold the complaint in whole or in part
- iii) refer a complaint back to the Headteachers in whole or in part to deal with under the capability, disciplinary or other policies
- iv) recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur, including the introduction of a complaint recording and monitoring system.

### **Stage 1 – Informal, directly to the staff member concerned**

10.1 It is clear that the majority of concerns or complaints are resolved informally. Most can be resolved easily through simple clarification or exchanging information.

10.2 If at **Stage 1** or **Stage 2** the complainant feels s/he would have difficulty discussing the matter with a particular staff member, they will be referred to the Headteacher, who can ask another member of staff to consider the complaint objectively and impartially, with a view to resolving it.

10.3 If the concern or complaint is serious or outside the staff member's responsibility, the complainant will be asked to make an appointment to speak directly to the Headteacher. The staff member should alert the Headteacher on the matter without delay.

10.4 If a concern or complaint relates to an extended school provision, the person with the concern must be referred to that provider. Members of staff must not become involved in such matters.

10.5 A concern can be expressed in person, by telephone or in writing. The concerned person will tell the member of staff that they want to talk about a concern.

10.6 In most cases the matter will be resolved satisfactorily on the spot.

10.7 The concern becomes a complaint if the person concerned remains unhappy and wishes to take matters further. They should ask the member of staff for a more formal meeting when their complaint can be discussed fully.

**Stage 2 - more formal, direct to the staff member concerned**

11.1 The staff member will normally arrange to meet the complainant within three working days, at a mutually convenient time, in the school, in private and relaxed surroundings, to listen to the complaint with the aim of trying to resolve it.

11.2 If the complaint cannot be resolved and the complainant remains unhappy, the staff member must notify the Headteacher of the matter within two working days.



11.3 To move to the next stage of the procedure, the complainant must complete part 1 of the form in

**Appendix 1** and, within three months of the original incident, either

- a) give it to the Headteacher, or
- b) if the complaint relates to the Headteacher, send it to either the Chair of Governors or the clerk of the governing body, or
- c) if it relates to the Chair of the governing body, send it to either the vice chair or the clerk, or
- d) if it relates to another governor, send it to either the Chair of Governors or the clerk of the governing body.

### Stage 3 – Investigation by the Headteacher

12.1 The Headteacher will decide whether a complaint should be dealt with under this policy or another.

12.2 If the complaint needs to be dealt with under another policy, the Headteacher will write to tell the complainant giving this decision within 7 school days and saying that s/he will deal with it as the manager.

12.3 The National Association of Headteachers (NAHT), [www.naht.org.uk](http://www.naht.org.uk) has a range of model letters that Headteacher may wish to use.

12.4 For complaints that fall partly or wholly within this complaints policy, the procedure is as follows:

<b>within 5 (school working) days</b>	acknowledge receipt of the written complaint in writing or orally. Ask the complainant if they have any questions about the procedure and deal with them
<b>a further 10 days</b>	write to either (a) give the result of the investigation, or (b) explain why this cannot be achieved within the 10 working days and give a revised target date
<b>within the 15 days</b>	If the complainant is dissatisfied with the Headteacher's decision and/or the way in which they investigated the complaint and wishes the governors to consider the reason for their dissatisfaction, the complainant must complete part 2 of the form in <b>Appendix 1</b> and send it to the Chair of Governors or clerk of the governing body

12.5 In giving the result, the Headteacher's letter will include

- a summary of the findings
  - the decision reached and the reasons for it
  - the action being taken in consequence (excluding confidential action)
  - the way in which the complainant should proceed within 15 days, if they are dissatisfied
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with the outcome

- if a member of staff was the subject of the complaint, tell them the outcome orally and in writing, and that the Headteacher's enquiry into the complaint has now concluded.

12.6 On receipt of a request to proceed to **Stage 4** on the form in **Appendix 1**, the Chair of Governors or clerk of the governing body will acknowledge receipt in writing. The Chair of Governors will ask the clerk of the governors Complaints committee to arrange a "**Stage 4**" committee meeting (as below)

#### **Stage 4 – Governors' complaints committee hearing**

13.1 The clerk will (**within 5 days of receipt**) write to the complainant to acknowledge receipt of their complaint.

13.2 This letter will

- confirm that a meeting of the governors' complaints committee will be arranged within 20 working days of the date of receipt, and
- request copies of any supporting information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by noon on a specific cut off time and date (usually 7 working days), and
- advise of their right to be accompanied to the meeting by a friend/adviser/interpreter and that it is the complainant's responsibility to give copies of any documents to their friend/adviser/interpreter. Any delay in the complainant doing so, will not affect the proceedings.
- enclose a copy of the complaints policy adopted by the Governors and, if part 2 of the form in **Appendix 1** has not been completed, ask for it to be completed and returned. State that the matter will not proceed until it has been received.

13.3 The clerk will (**within 5 days of receipt**) similarly, ask the Headteacher/Chair of Governors/governor for their information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by the same specific cut off time and date (usually 7 working days). S/he will advise of their right to be accompanied to the meeting by an adviser/representative. It is their responsibility to give copies of any documents to any adviser/representative. Any delay in doing so, will not affect the proceedings.

13.4 It is the Headteacher's decision whether or not to ask members of school staff to attend the meeting, subject to the discretion of the committee chair

13.5 The clerk will (**within 20 days of initial receipt**) arrange for the meeting of the complaints committee to be held within 20 working days, liaising with all parties for a mutually convenient date, time and location. The governors forming the committee will, as far as practicable, represent a balance of the governing body membership. It is helpful to include a parent governor. The Headteacher cannot be a member of the committee.

13.6 The clerk will (**within 3 days after the first cut off date**) prepare a covering schedule of each sides documents, clearly numbering the pages, copy and distribute them to the committee members,

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Headteachers/governor and complainant.

13.7 The clerk's letter distributing the papers to the complainant and Headteacher will specify a further 7 working day cut off for responses (as before), and state that it is very unlikely that any documents received later will be accepted by the committee.

13.8 The clerk will (**within 3 days after the second cut off date**) prepare a covering schedule of each side's documents, clearly numbering the pages, copy and distribute them to the committee members, Headteacher/governor and complainant, as before.

13.9 The clerk will (**as soon as possible and at least 5 working days before the meeting date**) write to confirm the meeting date, time and location to the complainant, Headteacher/governor and committee members. This letter must state that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented at the beginning of the meeting.

13.10 The clerk will attend and record the procedure followed at the meeting, the committee's decision and give a 'flavour' of the matters touched upon.

#### **Meeting (hearing) procedure**

14.1 Governors who are members of the committee will not have any prior knowledge. In exceptional circumstances, where that cannot be achieved, the governors forming the committee will not have more prior knowledge than the other members of the governing body.

14.2 It is the responsibility of the committee chair to take control of the meeting, ensure that it is conducted fairly under the policy and procedure adopted, and that notes are taken.

14.3 The aim of the meeting is to resolve the complaint and achieve a reconciliation between the school and the complainant.

14.4 While this is a formal process, the meeting will be as informal as possible and not be inhibiting or intimidating to the complainant.

14.5 It is important that this appeal hearing is seen to be impartial and independent.

14.6 The chair may adjourn the meeting at any time .

14.7 The chair may instruct those present to disregard items that are outside the focus of the meeting, including any personal information about members of staff and will instruct the clerk to strike such information from the minutes.

14.8 At the start of the meeting the only people present will be the committee members, Headteacher/ governor, complainant and clerk; and their friend/adviser/interpreter/ representative if attending. Witnesses are called later.

14.9 Minors, whether involved or not, will not normally attend any part of a governors' complaint committee meeting.

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14.10 Exceptionally, in situations of undue aggression or where relationships have deteriorated to the point that a hearing is unlikely to be able to make reasonable progress, the committee may hear the parties' statements separately, i.e. with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.

14.11 In conducting the meeting, the chair will:

- a) welcome everyone and invite those present to introduce themselves
  - b) check that the complainant received the papers and a copy of the meeting procedure in advance
  - c) state that all papers distributed in advance will be taken as read. Ask the parties not to quote at length from the papers, but to assist by referring to page numbers and extracts when necessary
  - d) tell the parties how much time will be allowed for the meeting overall, how long will be allowed for each side to present their information, including question time and summing up, and for the committee members to reach their decision.
  - e) take any procedural points and clarify if necessary
  - f) ask the parties if they have any questions about the procedure and deal with them
  - g) invite the complainant to confirm that the complaint is as summarised on part 2 of the form in **Appendix 1**. If not, obtain clarification. What is stated at this point will be the focus for governors' subsequent decision
  - h) invite the complainant to give their information and draw key points to the governors' attention. This should exclude any new information that has not been submitted already
  - i) should the complainant have failed to clarify and establish a complaint against the Headteacher by this point, the Headteacher may wish to make a statement that there is no case for them to answer. The committee will consider such statement at this point, adjourning to consult and take advice as necessary. If the committee members agree that no complaint against the Headteacher has been formulated, they must inform the parties of this decision and may close the meeting.
  - j) **Witnesses**
    - i) should the complainant wish to call witnesses, the chair will consider each request as it is made, consulting committee members/advisers as appropriate and rule on the matter. Each witness, having contributed their information, may be questioned by the other party and the committee members in turn, and the witness will then leave the meeting
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- ii) discretion should be exercised when children are witnesses and they should only be interviewed when the nature of the complaint is sufficiently serious to warrant it, and adult witnesses are not available. Minors must have a parent in attendance during the whole of their interview
- k) invite the Headteacher to question the complainant on what has been presented
- l) invite governors to put questions on the information presented
- m) invite the Headteacher to respond to the complaint, similarly considering each request to call witnesses, including members of staff, as above
- n) invite the complainant to put questions to the head on what has been presented
- o) invite governors put questions on the information presented
- p) Invite the Headteacher to sum up and make a final statement. New information is not to be introduced
- q) invite the complainant to sum up and make a final statement. New information is not to be introduced
- r) inform the complainant and Headteacher that the committee will now consider its decision and write with that decision within 15 working days. Ask the parties to leave.

14.12 The governors then consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The clerk and (committee's adviser) remains to advise and help governors with drafting their decision letter.

#### **After the meeting**

15.1 Within **15 days** of the meeting the committee's agreed written decision will be sent by the clerk to both the complainant and Headteacher. The clerk's letter must state that the decision is final.

15.2 The clerk will prepare the minutes in the usual way, recording the procedure followed, the governors' decision and give a flavour of the meeting.

15.3 The school must ensure that a copy of the papers is kept in accordance with Southwark Education's retention policy.

#### **Adjournments under Stage 4, governors' committee hearing**

16.1 Once called, meetings cannot be adjourned without the agreement of the governors who form the committee. To consider a request for an adjournment, the committee must meet.

16.2 During a meeting, the chair may adjourn at any time to consult governors/advisers, or in response to a request, or allow time for composure etc. It is good practice to agree the duration of the adjournment and the time at which the parties should present themselves again for the meeting to continue.

16.3 If a meeting is adjourned to a future date, it is good practice to agree the date, time and location of the reconvened meeting before the parties leave. The clerk will be asked to make the

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necessary arrangements and confirm them in writing to all parties.



APPENDIX 1

**COMPLAINT FORM – PART 1**

This form is to be used for **Stages 3 and 4** of the complaint procedure, after Stages 1 and 2 have been explored. Part 1 must be completed and given to the Head within three months of the date of the incident arising. **PLEASE WRITE CLEARLY.**

<b><u>Name:</u></b>	
<b><u>Address</u></b>	
<b>Post code:</b>	<b>Signature:</b>
<b>Daytime tel. no:</b>	
<b>Date of the incident complained of:</b>	
<b>School's name:</b>	
<b>Date of receipt of this form under stage 3, and by whom:</b>	

**Part 1** - please continue on a separate sheet if necessary.

Any supporting documents should be submitted with this form.

Please summarise your complaint:

Please summarise what outcome(s) you seek:

When you have completed the above, please send it to the Headteacher with copies of any supporting documents. If your complaint is against the Headteacher or a governor, send it to the Chair of Governors via the school, or to the clerk. If your complaint is against the Chair of

Governors, send it to the clerk to the governors at the address below:

Goodrich Community Primary School  
Dunstans Road  
East Dulwich  
London  
SE22 0EP

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## **COMPLAINT FORM - PART 2**

Please complete part 2 of the form if you want the Governors' Complaints committee to review the decision and/or the way in which the Headteacher/Chair/Governor investigated your complaint, under **Stage 3**. The governors will not consider the matter until it has been investigated at **Stage 3**.

Please continue on a separate sheet if necessary. Send parts 1 and 2 of this form to either the school's chair of governors, or the clerk at the address below. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise the reason(s) for your dissatisfaction:

Please state what outcome(s) you seek:

The names of your witnesses must be given here:

The procedure and strict deadlines are given in sections 13 and 14 of the complaints procedure. If part

2 (above) is not completed and received by the chair or clerk **within 15 days** of the date of the Headteacher's decision letter, it will be assumed that the complaint has been resolved and laid to rest. The matter will not proceed to the governors under **Stage 4**.

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## APPENDIX 2

### MATTERS THAT ARE NOT COVERED BY THIS POLICY

The following concerns and complaints cannot be considered under this policy. There are separate policies and procedures that deal with them.

- 1 staff capability and/or disciplinary issues
  - 2 admissions to schools
  - 3 anonymous complaints, unless there are exceptional circumstances, for example serious concerns about child protection issues
  - 4 spurious or vexatious complaints
  - 5 special education provision
  - 6 curriculum and religious worship (section 409 of the Education Act 1996)
  - 7 curriculum at Pupil Referral units
  - 8 pupil exclusion from school
  - 9 school reorganisation proposals
  - 10 the allocation of resources to service users according to agreed criteria
  - 11 those covered by the ***Children Act 1989***
  - 12 those that are the subject of legal proceedings, or have been so
  - 13 those being considered by the Secretary of State under statutory power
  - 14 those relating to a third party service provider, which must be referred to that person or organisation
  - 15 when it is more than three months since the incident complained of is raised for the first time, unless it forms part of an existing concern or complaint under investigation
  - 16 when it is more than three months since a staff member complained of left the employment of the school, except under the most exceptional circumstances
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## APPENDIX 3

### SOUTHWARK EDUCATION

#### LEGAL FRAMEWORK

- 1 Section 29(1)(a) of the **Education Act 2002**, effective 1 September 2003.  
Web link to the Act –  
<http://www.legislation.hmso.gov.uk/acts/acts2002/20032--f.htm#29>
- 2 The decision of the governors' complaints committee is final. If a complainant believes that a governing body has acted unreasonably or failed to carry out its statutory duties properly, they may complain to the Secretary of State under sections 496 or 497 of the 1996 Act.

*We would like to thank the National Association of Headteachers, Archdiocese of Southwark Commission for Schools & Colleges, and Southwark Diocese Board of Education for allowing us to draw on their model complaint policies and procedures.*

## APPENDIX 4

### Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>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>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## APPENDIX 5

# Roles and Responsibilities

### The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### The Headteacher with SMT

The complaints Headteacher with SMT should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - o sharing third party information;
  - o additional support - this may be needed by complainants when making a complaint including interpretation support.

### The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - o consideration of records and other relevant information;

- o interviewing staff and children/young people and other people relevant to the complaint;
- o analysing information;

- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk and complaints co-ordinator.

#### Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.



The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be 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/ headteacher/ 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.

## APPENDIX 6

### Serial and Persistent Complainants

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the chair of governors can inform them that the procedure has been completed and that the matter is now closed.

**Note:** The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000.

However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

### Is it time to stop responding?

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and

- They are contacting the school repeatedly but making substantially the same point each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive
- They make insulting personal comments about or threats towards staff

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal directly with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter, but an email will suffice.

## APPENDIX 7

### Unreasonable Complainants

Goodrich Community Primary 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.

Goodrich Community Primary 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'*.

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 headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Goodrich Community Primary 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 Goodrich Community Primary School

### **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 headteacher 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

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the parent may wish to make. Goodrich School will 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 headteacher 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.

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