



## Nettleham CE (Aided) Junior School

### Complaints Policy



*For all of us at Nettleham Church of England Aided Junior School the teaching, learning, attitudes and wellbeing of all our children are important. As a Christian school we believe that everyone should feel wonderful, amazing, loved, valued and unique, because God made us that way. We encourage all our children to achieve the highest possible standards and develop their skills to become lifelong learners.*

#### **INTRODUCTION**

All maintained schools in England are required to have a procedure in place for dealing with complaints relating to the school and any community facilities or services that the school provides. There are certain complaints which fall outside of this procedure because there are established statutory or other prescribed procedures available, for example: staff grievances or disciplinary procedures; school admissions; exclusions; statutory SEN assessments; Child Protection procedures; public examinations; school reorganisation proposals.

In this school all staff are dedicated to giving all children the best possible education and caring properly for their health, safety and welfare at all times. We are committed to working closely with parents/carers and believe that school and parents/carers must work together in partnership, each carrying out their own particular responsibilities to help pupils gain the most from their time in school. We also desire to have good relations with our neighbours and the wider community.

Whether you are a parent/carer, or member of the wider community, if you feel that something is not going quite as you would like, that we are doing something that you are not happy about, or not doing something that you feel we should, please tell us about it.

#### **WHO CAN MAKE A COMPLAINT?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Nettleham CE Junior School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we 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 possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Nettleham CE Junior School takes 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, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher 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, Nettleham CE Junior School 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 of a complainant, as long as they have appropriate consent to do so. Concerns should be initially be raised informally.

### **The First Step – Informal**

Please arrange to discuss any concerns with your child's class teacher, if you are a parent/carer, or with the particular teacher concerned. We hope that most problems can be sorted out this way. If you are not the parent/carer of a child at our school, please start at the second step by making contact with the Headteacher to discuss your concerns.

### **The Second Step – Informal**

If, after speaking to your child's teacher, and having allowed sufficient time to deal with the issue, you do not feel that your concern has been properly dealt with, or if your concern is about the conduct of a particular teacher, then you should discuss the matter with that teacher's manager.

In our school this is the Headteacher. In almost all cases we can sort things out satisfactorily in this way. If your concern is with regard to a broader school issue, you should contact the Headteacher directly.

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 headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential;
- Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, 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 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 like the 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

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## TIMESCALES

You should make the school aware of your complaint as soon as possible after the matter or incident has occurred that you wish to complain about. Usually, we would expect you to do this within three months of the incident occurring and if you do not contact the school within that time, we will not usually consider your complaint.

If your complaint relates to a continuing act, then occurrences outside of the three month time limit will usually be considered alongside the more recent occurrence.

If you feel there are exceptional circumstances that have prevented you from meeting the time limit, you can provide an explanation of these circumstances along with your complaint so that Governors can consider them.

The final decision rests with Governors as to whether your complaint will be considered when it is raised outside of the three month time limit. In addition, where your child is no longer on roll at the school and your complaint is considered exceptionally, it will usually only be possible to have your complaint considered under the final stage of the school's procedure.

## COMPLAINTS RECEIVED OUTSIDE TERM TIME

We will consider complaints made outside 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 Nettleham CE Junior School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised to <a href="#">Lincolnshire County Council</a>.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding: Rachael Powis, Kim Murray &amp; Ildiko Kiss 01522 554674 <a href="mailto:LSCP_LADO@lincolnshire.gov.uk">LSCP_LADO@lincolnshire.gov.uk</a></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>. <i>*complaints about the application of the behaviour policy can be made through</i></p>

	<i>the school's complaints procedure.</i>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<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>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<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>
<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. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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 Nettleham CE Junior School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## RESOLVING COMPLAINTS

At each stage in the procedure, Nettleham CE Junior School 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.

## **COMPLAINT PROCEDURE TIMESCALES**

We will use our best endeavours to address complaints in a timely and efficient manner; however, there will be times when timescales may need to be adjusted. If, at any stage of the process, we believe we are unable to meet the timescales which have been provided to you, the Clerk will contact you to explain the reasons for any delay and to provide you with a new timescale for the conclusion of that part of the process.

### **Stage 1**

If your attempts to resolve the matter informally have not been successful, you should make a formal written complaint to the headteacher (unless the complaint is about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school working days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this. *Note: The headteacher 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 headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within ten school working days of the date of receipt of the complaint.

If the headteacher 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 Nettleham CE Junior School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk to the Governors, via the school office. You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will record your complaint as a statement for you to sign. The Clerk to Governors will acknowledge receipt of your complaint within five school working days, and initiate the correct process.

If the complaint is about the headteacher, you should make a formal written complaint to the Chair of Governors, addressing your envelope to the Clerk to Governors, care of the school's address.

The Chair of Governors will consider complaints against an individual governor and the Vice Chair will consider complaints against the Chair of Governors. The appropriate governor will consider your

complaint and write to advise you of the outcome within ten school working days. There will be no further internal right of appeal for complaints against individual governors.

If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the governing body or The Diocese of Lincoln. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

Where a complainant remains dissatisfied with the outcome of a complaint at Stage 1, they should write to the Chair of Governors within ten school working days of receipt of the decision of the Stage 1 investigation.

The Chair of Governors will first ensure that the complaint has been dealt with at Stage 1, and the complaint is covered by the school's complaints procedure and not by other procedures e.g. personnel or child protection. If not, the matter will be referred back to the Headteacher and the Chair of Governors will write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying the Chair of Governors that the complainant is not satisfied with the outcome of a Stage 1 investigation, the Chair of Governors will write to acknowledge that the complaint has been received. At this point the Chair of Governors will review/re-investigate the complaint.

Once all the relevant facts have been established, the complainant will receive a written response to their complaint. This will give an explanation of the Chair of Governors' decision and the reasons for it. If follow-up action is needed, the response will indicate what is proposed. The complainant may be invited to a meeting to discuss the outcome as part of the school's commitment to building and maintaining good relations.

The Chair of Governors' role at Stage 2 may be carried out by a nominated governor. Staff governors will not be used.

## **Stage 3**

If you are dissatisfied with the Chair of Governors' response to your formal complaint at stage 2, or if your complaint is about the conduct of the Headteacher and you are dissatisfied with the Chair's written response, then you may escalate to Stage 3.

For the avoidance of doubt, all communication at this stage should be through the Clerk to the Governors, neither party should send their response to the other directly.

A request to escalate to Stage 3 must be made to the Clerk to Governors, via the school office, within ten school working days of receipt of the Stage 1/Stage 2 response. You should send written details of your complaint, with any correspondence and evidence to support your complaint, to the Clerk at the school address. If, for some reason, you do not feel able to do so, you should contact the Clerk, via the school, who will record your complaint as a statement for you to sign.

The Clerk will then convene the Governors' Complaints Committee. 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 Nettleham CE Junior School available, the Clerk will source any additional, independent governors through another local school or through their

LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school working days. The acknowledgement letter will explain the process which is to be followed and the expected timescale for that process. Where your complaint is considered under written representations, this process may take up to twenty-eight school working days to allow for the collection of representations and evidence. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Governors will presume to consider the complaint through written representations as the norm, however, governor's should be sensitive to the needs of the complainant and the best method of representation (written or oral) should be chosen to ensure that the complaint can be effectively communicated to governors so that it can be understood and then decided upon. It is the governors' choice as to how they wish to hear the complaint.

Where an oral meeting is to be held, the Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within ten school working 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 committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. Regardless of which method is adopted, the Complaints Committee should take a robust approach and not simply endorse the decision of the Headteacher without any consideration of the evidence.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not permit either party to bring legal representatives to the committee meeting.

The Headteacher should attend the oral hearing to respond to the complaint. Teachers should not attend. If their evidence is needed, it should either be obtained via the Headteacher or, where this is not appropriate, by a governor either before or after the meeting with the complainant. Written evidence should generally be made available to all parties at least five school working days in advance of the hearing, subject to any data protection constraints. Governors should seek advice from the Legal Services Officer with responsibility for Data Protection matters if there are concerns about which materials can be shared. *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 ten calendar 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 five school working days school days before the meeting.

Any written material will be circulated to all parties at least five school working 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. The hearing should be clerked and the DfE advise that it is best practice to share copies of the minutes with all parties involved in the hearing, affording them a reasonable opportunity to agree and if necessary challenge their content.

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 the meeting minutes. The structure of such a meeting should be as follows:

- The Chair of the Committee should outline the procedure;
- The complainant will then present his/her case;
- The Complaints Committee should have familiarised themselves with the written complaint before the meeting opens and will then have an opportunity to ask any questions, as will the Headteacher;
- The Headteacher should then respond to the complainant, following which both the complainant and the Committee will have the opportunity to ask questions;
- Each party can then be asked to summarise their position in brief;
- Both parties will then leave to allow the Committee members to make their decision in private. The complainant and the Headteacher should enter and leave the room at the same time; neither should be alone with the Committee.
- The committee will consider the complaint and all the evidence presented.

The governors will only make a decision about the complaint once they have heard the complainant's and the school's evidence.

The Complaints Committee must have all the evidence they feel is necessary for them to make their decision. If they are not satisfied, and require further evidence from either party, they should adjourn and request that information. The Complaints Committee should only make their decision if they are satisfied they have sufficient evidence with which to make a final decision.

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 Nettleham CE Junior School with a full explanation of their decision and the reason(s) for it, in writing, within five school working days. Providing the procedures as laid down in the complaints policy are followed then there is no right of appeal following this decision.

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 Nettleham CE Junior School. 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.

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 Nettleham CE Junior School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **NEXT STEPS**

The decision of the Governors' Complaints Committee is normally final; however, if you are dissatisfied with their response, or you have a complaint about the governing body itself, you may be able to take your complaint to an external body.

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 Nettleham CE Junior School. They will consider whether Nettleham CE Junior School 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

You should be aware that the School Complaints Unit (SCU) will usually only consider a complaint once the school's internal processes have been exhausted. The SCU will examine whether the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The SCU will also examine whether the school's policies adhere to education legislation. The SCU will not usually re-investigate the substance of the complaint.

**Please note that, unless your complaint is about the governors' response or lack of response, or about the governing body as a whole, your complaint will generally have to be considered first by the governing body of the school.**

**It is important that no complaint or associated papers are attached to a child's file, as they do not relate to the child.**

Schools are advised to keep a central register of complaints received. The DfE advises that the monitoring and review of complaints can be a useful tool in evaluating a school's performance.

## COMPLAINT FORM

Please complete and return to <...Name> (*either headteacher/ Clerk/ complaints co-ordinator/ designated governor – school to delete as appropriate*) who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name (if relevant):**

**Your relationship to the pupil (if relevant):**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint, including whether you have spoken to anybody at the school about it.**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher 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** (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure ;
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) 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 1 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;
- 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, if the school has one).

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

### **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.

Last reviewed: 11th January 2024

Next review due: January 2025

This policy has been adopted from both Lincolnshire County Council and Department for Education model policies.

## UNREASONABLE COMPLAINANT BEHAVIOUR

We will not normally limit the contact complainants have with our school. However, there are times when complainants raise issues with or about staff in unacceptable ways. This can cloud the concern at the heart of the complaint, delay or hinder of a resolution, and have an adverse effect on pupils, staff and the effective running of the school.

We do not expect our staff to tolerate unacceptable behaviour, and will take action to protect staff from behaviour such as:

- refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refusal to co-operate with the complaints investigation process or complaints procedure as set out in this policy, while still wishing their complaint to be resolved;
- refusal to accept that certain issues are not within the scope of the complaints procedure;
- insistence on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduction of trivial or irrelevant information which they expect to be taken into account and commented on;
- raising large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- sending repeated, unnecessary correspondence while the complaint is being progressed;
- making unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced and/or harassing individual staff members in a way which appears intended to cause personal distress rather than to find a resolution;
- changing the basis of the complaint as the investigation proceeds and/or making unjustified complaints about those trying to deal with the complaint;
- repeatedly making the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refusal 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;
- seeking an unrealistic outcome disproportionate to the nature of the matters in hand;
- making excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- using threats to intimidate;
- using abusive, offensive or discriminatory language or violence;
- knowingly providing falsified information;
- publishing unacceptable information on social media or other public forums;
- electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved.

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

Actions taken to remedy unreasonable complainant behaviour will be proportionate to the nature of the behaviour and may include:

- An informal approach to inform the person that the behaviour is unacceptable and needs to be modified;
- A formal written communication advising the person that the behaviour is unacceptable and appropriate action may be taken if the behaviour is not modified;
- A tailored communications strategy such as limiting the method and/or frequency of contact with staff/school personnel;

- A refusal to register and process further complaints about the same or similar subject matter where the matter has already been determined, or where complaints are vexatious, or where complaints are personally harassing, or deliberately targeted at one or more members of staff without good cause;
- Setting restrictions on the person's access to the school site.

In the event of verbally or physically aggressive behaviour, the school will write to the person concerned to advise that his/her licence to enter the school premises has been revoked, subject to a review of the decision. The letter will invite the individual to put forward his/her views as to the ban and also advise how to appeal the decision. The decision will then be reviewed and the ban either confirmed or lifted. If the decision is confirmed, the person will be notified in writing and advised how long the ban will be in place.

Any restrictions placed on a person as a result of this policy will be time-limited, with a specified date at which restrictions will be reviewed and potentially lifted. The period of review will usually be three months, or six months for more serious breaches.

Last reviewed: 28<sup>th</sup> January 2021

Next review due: January 2024

This policy has been adopted from the Department for Education model policy.