Gateshead Council – Education Gateshead

Governor Support

MODEL COMPLAINTS POLICY FOR MAINTAINED SCHOOLS – September 2023

Introduction……Page 2

General Principles of this Complaints Policy…..……Page 2

Matters that are not covered by this Complaints Policy...……...Pages 3-4

Procedures to be followed for concerns or complaints falling under this policy

Stage 1 - Informal discussion with member of staff, Headteacher or governor...……Page 5

Stage 2A - Formal Investigation by the Headteacher as Investigating Officer……Pages 5-6
Stage 2B - Formal Investigation by the Chair of Governors as Investigating Officer……..Page 6
Stage 2C - Formal Investigation by the Vice-Chair as Investigating Officer……Pages 6-7
Stage 2D - Formal Investigation by an independent Investigating Officer……..Page 7

Stage 3 - Formal Hearing by the governing body's Complaints committee (a panel of governors will only consider a matter that has already been investigated at stage 2)……..……Pages 7-11
- Arranging the meeting – actions for the clerk……Page 9
- Committee Meeting – guidance for panel members……..……Pages 9-10
- Committee Meeting – proceedings and actions for panel members……Pages 10-11
- Resolving a concern or complaint……Page 11
- The DfE's role in relation to complaints about maintained schools……Page 11

Managing serial and persistent complaints……..……..……..Pages 12-13

Appendices

1 COMPLAINT FORM 1...……..……Page 14
2 COMPLAINT FORM 2……...Page 15
3 PROCEDURE AT COMPLAINT COMMITTEE……...Page 16
4 Acknowledgement Letter 1 - Model Letter for Headteachers - Complaint about a member of staff……...Page 17
5 Acknowledgement Letter 2 - Model Letter for Chairs of Governors - Complaint about the Headteacher or a member of the governing body……..…Page 18
6 Acknowledgement Letter 3 - Model Letter for Vice-Chairs – Complaint about the Chair of Governors……..……..…Page 19
7 Acknowledgement Letter 4 - Model Letter for independent Investigating Officer – Complaint about the whole governing body...……..……..…Page 20
8 Acknowledgement Letter 5 - Model Letter for clerks of the Complaints committee……..…Page 21
9 Invitation Letter - Model Letter for clerks……..Page 22

1. Introduction

1.1 In accordance with Section 29(1) of the Education Act 2002, all maintained schools and maintained nursery schools must have, and publish on their school website, procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides (unless they are bound by separate (statutory) procedures).

1.2 All complaints will be dealt with in confidence and matters put to the governing body's Complaints committee will remain confidential to those committee members. Anyone wishing to make a complaint is also expected to keep the matter confidential and not refer to it publicly, including but not limited to the press and social media platforms.

1.3 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and having prior knowledge of a complaint will prevent the governor from being able to sit on a panel at a later stage of the complaints process. Complainants should always be advised to follow the process laid out in this policy.

2. General principles of this Complaints Policy

2.1 The policy is not limited to parents or carers of children that are registered at the school, and any person, including members of the public (but excluding members of staff), may raise a complaint under this policy.

2.2 The aim of the policy is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible. It is intended to be investigatory, not adversarial, and to allow for an impartial, transparent and fair investigation to be undertaken where an informal resolution is not possible. Those responsible for investigating and responding to a complaint will aim to address the concerns raised, provide an effective response and consider any redress that might be necessary.

2.3 Where a complaint cannot be resolved informally, or following investigation, and is referred to a panel of governors at Stage 3 of this policy, complainants are entitled to bring someone along to the meeting to provide support. It is recommended that neither the complainant nor the school bring legal representation, as the committee meeting is not a form of legal proceedings and is aimed at reconciliation and addressing concerns of the complainant. There may be occasions where legal representation may be appropriate, for example where a school employee is acting as a witness they may be entitled to bring union or legal representation.

2.4 Where there are not enough governors available to sit on a complaints panel, it may be necessary to source an independent, suitably skilled governor from another governing body. This cannot be done where only three specific governors have been appointed to the Complaints committee, so governing bodies are recommended to appoint all non-staff member governors to a pool of governors to allow any three governors who are available at the proposed meeting date/time to be called to sit on the panel as required.

2.5 Complaints meetings will go ahead where the complainant is unable (or does not wish) to attend, as long as reasonable attempts to accommodate complainants with dates for the meeting have been made.

2.6 Complaints meetings can be held virtually if it is not reasonably practicable to meet in person, if all the participants agree to the use of remote access, have access to the technology which will allow them to hear and speak throughout the meeting (and to see and be seen, if a live video link is used) and are able to put across their point of view or fulfil their function, and if the meeting can be held fairly and transparently via remote access.

3. Matters that are not covered by this Complaints Policy

The following matters cannot be considered under this Complaints Policy. There are separate policies and procedures that deal with them.

3.1 Admissions to schools - these issues are dealt with by the appropriate admissions authority. Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.

3.2 School re-organisation proposals – concerns should be raised with the local authority or Diocese as appropriate in the first instance, and then escalated to the DfE if still unresolved.

3.3 Statutory assessments of special educational needs - any concerns should be raised directly with the local authority.

3.4 Matters likely to require a child protection investigation - complaints about child protection matters should be handled under the school's Child Protection and Safeguarding Policy and in accordance with the relevant statutory guidance. Complaints can be referred to the LADO (Local Authority Designated Officer) or the MASH (Multi-Agency Safeguarding Hub).

3.5 Exclusion of children from school – further information about raising concerns about exclusions is available in the School discipline and exclusion guidance. Complaints about the application of the Behaviour Policy can be made through this policy.

3.6 Whistleblowing – schools will have an internal Whistleblowing Policy for employees, temporary staff and contractors. Volunteers who have concerns about schools can complain through this policy.

3.7 Staff grievances – these are dealt with under the school's Grievance Policy.

3.8 Staff conduct complaints – complaints about staff to do with capability or disciplinary issues are dealt with by the Headteacher under the appropriate policy. Complainants will not be informed of any capability or disciplinary action taken against a staff member as a result of a complaint, but complainants should be notified that the matter is being addressed.

3.9 Complaints about services provided by other providers who may use school premises or facilities – schools should ensure that any third party providers have their own complaints procedures in place if they are using school premises or facilities to offer community facilities or services, and should direct complainants to follow the external provider's own complaints procedure.

3.10 Complaints about the curriculum – complaints about the 'content' of the national curriculum should be sent to the DfE using their contact form. Complaints about the 'delivery' of the curriculum can be made through this policy.

3.11 Complaints about collective worship – complainants who are dissatisfied with the content of the daily act of collective worship should be signposted to the LA or the local Standing Advisory Council of Religious Education (SACRE).

3.12 Withdrawal from the curriculum – if parents or carers are not satisfied with the handling of a request to withdraw their child from any aspect of R.E.

3.13 Anonymous complaints – unless the Chair of Governors or Headteacher determine that the complaint warrants an investigation.

3.14 Duplicate complaints – if a duplicate complaint is received from a spouse, partner, grandparent or child after the original complaint is closed, the complainant will be informed that the complaint has already been considered and the process is complete (unless there are new aspects that need to be considered).

3.15 Complaints that are not made within three months of the incident (or, where a series of associated incidents have occurred, within three months of the last of these incidents) – unless governors consider that exceptional circumstances apply.

3.16 Complaints that are being investigated by other bodies such as the police, LA safeguarding teams or Tribunals, may result in the procedure being suspended until those public bodies have completed their investigations.

3.17 Where a complainant has commenced legal action against the school, this may result in the procedure being suspended until those legal proceedings have concluded.

4. Procedures to be followed for concerns or complaints falling under this policy

Stage 1 - Informal discussion with member of staff, Headteacher or governor

4.1 Parents/carers are encouraged to raise any concerns they have directly with their child's teacher, an appropriate member of staff or the Headteacher. Most concerns can and should be addressed and resolved in this way. If they remain unhappy they should make a formal appointment to speak to the Headteacher. Occasionally a resolution is not reached, or the matter is too serious to be resolved in this way, and this document outlines the formal procedure which should then be followed.

4.2 If the complainant is not satisfied with the outcome at Stage 1, they must put their complaint in writing (using Complaint Form 1 at Appendix 1 of this policy), within three calendar months of the incident so it can be considered under Stage 2 of this policy. The complainant should include details which will assist the investigation, and copies of any relevant documents, as well as the outcome they are looking for in order to resolve the complaint. The complaint should be sent to the school addressed to the Headteacher (if the complaint is about a member of staff), the Chair of Governors (if the complaint is about the Headteacher or a governor), the Vice-Chair (if the complaint is about the Chair of Governors) or the clerk to the governing body (if the complaint is about the governing body as a whole). If the complainant is unable to do this, they should ask somebody to transcribe and/or submit the form on their behalf, and the school should offer to do this if requested. The Headteacher or Chair of Governors should ask someone else to investigate on their behalf if there is a conflict of interest.

STAGE 2A – This applies where the complaint relates to a member of staff in the school
STAGE 2B - This applies where the complaint relates to the Headteacher or a member of the governing body
STAGE 2C - This applies where the complaint relates to the Chair of Governors
STAGE 2D - This applies where the complaint relates to the governing body as a whole, or where all governors are ineligible to investigate

Stage 2A - Formal Investigation by the Headteacher as Investigating Officer

4.3 The process will be as follows:

- A written complaint should be addressed to the Headteacher at the school, and will be acknowledged in writing by the Headteacher (using Acknowledgement Letter 1 at Appendix 4 of this policy) within 5 school days of receipt of Complaint Form 1, stating that it will be investigated;
- The member of staff concerned will be informed that a complaint has been received and informed that an investigation will be carried out;
- It is important that the nature of the complaint is clearly understood, and the Headteacher may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend or relative if they wish;
- The Headteacher will investigate and collect any evidence necessary. Where this involves an interview with a member of staff, they may be accompanied by a friend/representative;
- Pupils should only be interviewed where the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available;
- The member of staff concerned will be provided with a copy of the complaint and supporting information, including evidence collected by the Headteacher. Once they have had an opportunity to consider it, the member of staff concerned will be invited to meet with the Headteacher to present their view and any supporting evidence. The member of staff concerned may be accompanied at this meeting by a friend or representative;
- Within 10 school days of sending the acknowledgement letter, the Headteacher will write to the complainant and the member of staff giving the outcome of the investigation and the Headteacher's decision on the complaint, or explaining why this cannot be

achieved within the 10 school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

4.4 If the complainant is dissatisfied with the Headteacher's decision and/or the way in which the Headteacher investigated the complaint, they may ask the governing body's Complaints committee to consider those matters under Stage 3 of this policy.

Stage 2B - Formal Investigation by the Chair of Governors as Investigating Officer

4.5 The process will be as follows:

- A written complaint should be addressed to the Chair of Governors at the school and will be acknowledged in writing by the Chair of Governors (using Acknowledgement Letter 2 at Appendix 5 of this policy) within 5 school days of receipt of Complaint Form 1, stating that it will be investigated;
- The Headteacher or governor concerned will be informed that a complaint has been received and informed that an investigation will be carried out;
- It is important that the nature of the complaint is clearly understood, and the Chair of Governors may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend or relative if they wish;
- The Chair of Governors will investigate and collect evidence as necessary. This may include interviewing witnesses;
- Pupils should only be interviewed where the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available;
- The Headteacher or governor concerned will be provided with a copy of the complaint and supporting information, including evidence collected by the Chair of Governors. Once they have had an opportunity to consider it, the Headteacher or governor will be invited to meet with the Chair of Governors to present their view and any supporting evidence. The Headteacher or governor may be accompanied at this meeting by a friend or representative;
- Within 10 school days of sending the letter of acknowledgement, the Chair of Governors will write to the complainant and the Headteacher or governor, giving the outcome of the investigation and the decision on the complaint, or explaining why this cannot be achieved within the 10 school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

4.6 If the complainant is dissatisfied with the Chair of Governors' decision and/or the way in which they investigated the complaint, they may ask the governing body's Complaints committee to consider those matters under Stage 3 of this policy.

Stage 2C - Formal Investigation by the Vice-Chair as Investigating Officer

4.7 The process will be as follows:

- A written complaint should be addressed to the Vice-Chair at the school and will be acknowledged in writing by the Vice-Chair using Acknowledgement Letter 3 at Appendix 6 of this policy) within 5 school days of receipt of Complaint Form 1, stating that it will be investigated;
- The Chair of Governors will be informed that a complaint has been received and informed that an investigation will be carried out;
- It is important that the nature of the complaint is clearly understood, and the Vice-Chair may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend or relative if they wish;
- The Vice-Chair will investigate and collect evidence as necessary. This may include interviewing witnesses;
- Pupils should only be interviewed where the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available;
- The Chair of Governors will be provided with a copy of the complaint and supporting information, including evidence collected by the Vice-Chair. Once they have had an opportunity to consider it, the Chair of Governors will be invited to meet with the Vice-

Chair to present their view and any supporting evidence. The Chair of Governors may be accompanied at this meeting by a friend or representative;

- Within 10 school days of sending the letter of acknowledgement, the Vice-Chair will write to the complainant and the Chair of Governors, giving the outcome of the investigation and the decision on the complaint, or explaining why this cannot be achieved within the 10 school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

4.8 If the complainant is dissatisfied with the Vice-Chair's decision and/or the way in which they investigated the complaint, they may ask the governing body's Complaints committee to consider those matters under Stage 3 of this policy.

Stage 2D - Formal Investigation by an independent Investigating Officer

In instances where a complaint is against a governing body as a whole; where all governors are invalidated from participating in an investigation; or where it is deemed that the Investigating Officer should be completely independent of the school, there may be a need for Governor Support to source an independent Investigating Officer. This may be someone who is or was a governor in another school.

4.9 The process will be as follows:

- A written complaint should be addressed to the clerk of the governing body at the school and will be acknowledged in writing by the clerk of the governing body (on behalf of the independent Investigating Officer) using Acknowledgement Letter 4 at Appendix 7 of this policy) within 5 school days of receipt of Complaint Form 1, stating that it will be investigated;
- The Chair of Governors will be informed that a complaint has been received and informed that an investigation will be carried out;
- It is important that the nature of the complaint is clearly understood, and the independent Investigating Officer may meet with the complainant to clarify the complaint. The complainant may be accompanied by a friend or relative if they wish;
- The independent Investigating Officer will investigate and collect evidence as necessary. This may include interviewing witnesses;
- Pupils should only be interviewed where the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available;
- The Chair of Governors will be provided with a copy of the complaint and supporting information, including evidence collected by the independent Investigating Officer. Once they have had an opportunity to consider it, the Chair of Governors will be invited to meet with the independent Investigating Officer to present their view and any supporting evidence. The Chair of Governors may be accompanied at this meeting by a friend or representative;
- Within 10 school days of sending the letter of acknowledgement, the independent Investigating Officer will write to the complainant and the Chair of Governors, giving the outcome of the investigation and the decision on the complaint, or explaining why this cannot be achieved within the 10 school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

4.10 If the complainant is dissatisfied with the independent Investigating Officer's decision and/or the way in which they investigated the complaint, they may ask for an independently sourced Complaints committee to consider those matters under Stage 3 of this policy.

Stage 3- Formal Hearing by the governing body's Complaints committee (a panel of governors will only consider a matter that has already been investigated at stage 2)

4.11 The reasons for dissatisfaction must be put in writing (using Complaint Form 2 at Appendix 2 of this policy), and this will provide the focus of the governing body's Complaints committee's meeting. The complainant must send Form 2 to the school addressed to the clerk of the governing body within 15 school days of receipt of the decision letter sent to them by the Chair

of Governors, Vice-Chair, Headteacher or independent Investigating Officer. If the complainant is unable to do this, they should ask somebody to transcribe and/or submit the form on their behalf, and the school should offer to do this if requested. The form should state if there are any dates and times in the following 2 months that the complainant would be unavailable to attend a committee meeting. The clerk of the governing body will inform the school as soon as Complaint Form 2 has been received, so it can be passed onto the clerk to the Complaints committee.

4.12 Where a complaint is investigated by an independent Investigating Officer at stage 2D, or where circumstances dictate that a school has difficulty in arranging a panel meeting with its own governors in a timely manner, there may be a need for Governor Support to source an independent Complaints committee (or additional independent governors to supplement the governing body's complaint panel).

Arranging the meeting – actions for the clerk of the Complaints committee

4.13 For the remainder of the policy, 'clerk' refers to the clerk of the Complaints committee. The process for the clerk will be as follows:

- A written complaint will be acknowledged in writing by the clerk within 5 school days of receipt of Complaint Form 2, (using Acknowledgement Letter 5 at Appendix 8 of this policy). The letter should:
  - State that it will be considered by a panel of governors, usually no sooner than 12 school days and no later than 20 school days from the date that the acknowledgement letter is sent, and should be cc'ed to the Headteacher and Chair of Governors (and the Investigating Officer, if the investigation was not carried out by either);
  - Request copies of any supporting documents to be submitted and the names of any witness(es) that all parties wish to call within 5 school days of receipt of the letter. 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;
- Within 5 school days of sending the acknowledgement letter, the clerk will arrange a panel of three governors to consider the complaint, to meet usually no sooner than 12 school days and no later than 20 school days from the date that the acknowledgement letter is sent;
- The clerk should check whether governors have a conflict of interest (including, but not limited to, being in a relationship with the complainant or having an involvement in the incident that is the basis for the complaint) that would prevent them from sitting on the panel. If they do, they should declare this conflict of interest to the clerk and not sit on the panel. Staff members who are governors should also not sit on the panel – where there aren't enough governors to form a panel, governors from another governing body can be used. Academies must ensure that one panel member is independent of the management and running of the school;
- The clerk should ensure that the Investigating Officer is available to attend the meeting to explain to the panel the decision made, and the reasons for it, as a result of the investigation that took place at Stage 2;
- When the panel is set up within 5 school days of the acknowledgement letter being sent, the clerk will write an invitation letter (using the Invitation Letter at Appendix 9 of this policy) to the complainant, the Headteacher and Chair of Governors (and the Investigating Officer, if the investigation was not carried out by either). The letter should:
  - State the meeting date, time and location, and the names of the panel members;
  - Advise all parties of their right to be accompanied to the meeting by a friend/adviser;
  - State that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented prior to or at the beginning of the meeting;
  - Include the agenda for the meeting, which includes the items listed below:
    - a cover sheet stating the meeting date, time and location, names of all participants in the meeting including the clerk, complainant, Investigating Officer, panel members and any witnesses, and a table of contents;
    - procedure for the meeting;
    - a copy of the complaint and any supporting documents which have been received from any of the participants;
    - a copy of the school's Complaints Policy as published on the school's website at the time the complaint was submitted

Committee Meeting – guidance for panel members

4.14 It is important that the review panel hearing is independent and impartial, and that it is seen to be so.

4.15 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.

4.16 While this is a formal process, the meeting should be as informal as possible and not be inhibiting or intimidating to the complainant, as many complainants will feel nervous and inhibited in a formal setting. Parents/carers also often feel emotional when discussing an issue that affects their child. The committee Chair will ensure that the proceedings are as welcoming as possible.

4.17 Everyone must be treated with respect and courtesy and both the complainant and the Investigating Officer should be given the opportunity to state their case without undue interruption. 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.

4.18 Information relating to the complaint and the hearing is confidential and should not be discussed outside of the committee meeting by any party.

Committee Meeting – proceedings and actions for panel members

Half an hour prior to the meeting, committee members should meet at the venue to discuss any points that may need clarifying with the clerk. The clerk will remain with the panel throughout the process to give advice to the panel.

4.19 The process for the committee Chair will be as follows (with the committee Chair using the "PROCEDURE AT COMPLAINT COMMITTEE MEETING" document at Appendix 3 of this policy for guidance):

- Ensure that prior to the meeting, no party is left alone with the committee members other than the clerk;
- Invite all parties to enter the room and welcome everyone, and invite those present to introduce themselves;
- Check that the complainant received the papers and a copy of the meeting procedure in advance;
- Explain the remit of the panel, and that the aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant;
- Summarise the procedure to be followed and provide any clarification requested, and explain that the governors' complaints committee will consider the reasons for the complainant's dissatisfaction as given in writing in Form 2;
- Invite the complainant to confirm that the complaint is as set out on their form/letter and the resolution they are seeking;
- Take control of the meeting and ensure it is conducted fairly according to the policy;
- Explain that the panel are to remain impartial during the course of the meeting, and that any participant may be asked to leave the meeting if their behaviour becomes unacceptable, abusive or offensive, and the meeting concluded in their absence;
- State that papers distributed in advance will be taken as read and ask all parties to refer to them by page number and not quote from them at length;
- Invite the complainant to give the reason for their dissatisfaction with the outcome of stage 2, drawing key points to the committee's attention. This should only refer to information that has already been submitted;
- Should the complainant wish to call witnesses, the committee Chair will consider each request individually, consulting committee members as appropriate. Each witness, having contributed their information, may be questioned by the Investigating Officer and the committee members in turn, and the witness will then leave the meeting;
- Invite the Investigating Officer to question the complainant on what has been presented;
- Invite committee members to question the complainant on what has been presented;
- Invite the Investigating Officer to give details of their investigation, similarly considering each request to call witnesses as above;

- Invite the complainant to question the Investigating Officer on what has been presented;
- Invite committee members to question the Investigating Officer on what has been presented;
- Invite the complainant to sum up and make a final statement. New information is not to be introduced;
- Invite the Investigating Officer to sum up and make a final statement. New information is not to be introduced;
- Tell parties that the committee will now consider its decision, and the clerk will communicate that decision in writing within 5 school days;
- Ask all parties to leave the meeting so the committee can consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The clerk remains to advise the committee and record its decision.

Resolving a concern or complaint

4.20 Options for resolving the concern or complaint include:

- An acknowledgement that the complaint is valid in whole or in part (or not as appropriate);
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the school 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.

The DfE's role in relation to complaints about maintained schools

4.21 If the Complaints Policy has been exhausted and the complainant remains dissatisfied following the outcome of Stage 3, they have the right to refer the matter to the DfE. They will only intervene if the complaint has gone through the complaints procedure and been heard by a panel of governors (if it hasn't they will not consider any such complaint and will refer the complainant back to the school's Complaints Policy), and if they then believe that in considering the complaint the panel has acted unlawfully or unreasonably. They will not normally reinvestigate complaints or overturn a panel's decision, and any action if appropriate will typically be limited to explaining the legislative framework and what it means in practice at the school level, or recommending improvements to statutory school policies.

Complainants can refer their complaint to the DfE online at 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

5. Managing serial and persistent complaints

5.1 If a complainant remains dissatisfied following the conclusion of the complaints procedure and tries to re-open the same issue, schools can inform them that the procedure has been completed and the matter is now closed. If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond. A complaint should not be marked as 'serial' before the complainant has completed the complaints procedure, nor for the complainant exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

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

5.3 Staff are not expected to tolerate unacceptable behaviour and the school will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. Unreasonable behaviour is defined as that which hinders the school's consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- 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 Complaints Policy or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on
- 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 a complaint where the school's Complaints Policy has been fully and properly implemented and completed including referral to the Department for Education
- Seeks an unrealistic or unachievable outcome
- Makes 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
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums.

5.4 Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

5.5 Whenever possible, the Headteacher or Chair of Governors/Vice-Chair as Investigating Officer will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

5.7 Schools may stop responding to complainants only if all of the following apply:

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

The case to stop responding is stronger if any one of the following applies:

- The complainant's letters, e-mails or telephone calls are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- The school has reason to believe the individual is contacting them with the intention of causing disruption of inconvenience

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. If a school has decided it is appropriate to stop responding, they need to inform the individual.

5.8 If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, they can restrict the individual to a single point of contact via an e-mail address, and/or limit the number of times they can make contact, such as a fixed number of contacts per term. It can be suggested that complainants who are difficult to deal with ask a third party to act on their behalf, such as the local Citizen's Advice.

5.9 If an individual's behaviour persists to the point that may constitute harassment, schools should seek legal advice. In some cases, injunctions and other court orders can be issued to individuals preventing them from contacting schools direct.

5.10 In response to any serious incident of aggression or violence, the Headteacher will immediately inform the police and communicate the school's actions in writing. This may include barring an individual from the school.

Appendix 1

COMPLAINT FORM 1 – to be sent to the school for the attention of the Headteacher (if the complaint is about a member of staff), the Chair of Governors (if the complaint is about the Headteacher or a governor), the Vice-Chair (if the complaint is about the Chair of Governors) or the clerk of the governing body (if the complaint is about the governing body as a whole)

Name:	
Address	
Post code:	**Signature:**
Daytime tel. no:	
Date of the incident complained of:	
I wish to complain about a (please circle one): **Staff member Headteacher Governor Chair of Governors Governing Body**	
Name of the staff member/Headteacher/Governor that I wish to complain about:	

Part 1 - please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise your complaint:
Please summarise what outcome(s) you seek:
The names of your witnesses must be given here:

Appendix 2

COMPLAINT FORM 2 to be sent to the school for the attention of the clerk of the governing body

Please note, the governors' complaints committee will not consider this form at Stage 3 until the complaint has been investigated at Stage 2.

Please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise the reason(s) for your dissatisfaction with the outcome of the investigation of your complaint at Stage 2:

Please state what outcome(s) you seek:

The names of your witnesses must be given here:

Dates and times that I would not be able to attend the committee meeting in the next 2 months:

Appendix 3

PROCEDURE AT COMPLAINT COMMITTEE MEETING

Before the meeting begins, during the pre-meeting of the committee and during any adjournment of the meeting, no member of the committee should be alone with any party (i.e. member of staff, Headteacher, governor or witness), except for the clerk

At the start of the meeting, all parties should enter the room together

Welcome – committee Chair asks those present to introduce themselves

Committee Chair explains the point of the meeting, that the panel are to resolve the complaint, and achieve reconciliation between the school and the parent. The committee Chair will explain that the panel are to remain impartial during the course of the meeting, and that any participant may be asked to leave the meeting if their behaviour becomes unacceptable, abusive or offensive, and the meeting concluded in their absence. The committee Chair will then:

- Ask parent(s)/or their representative/or both to present their case (with witnesses where appropriate), and to confirm the outcome that they are seeking
- Invite parties (i.e. Investigating Officer and committee members) to ask the parent questions
- Ask the Investigating Officer to present their case (with witnesses where appropriate)
- Invite parties (i.e. parent(s), parent's representative and committee members) to ask the Investigating Officer questions

All parties are requested to make notes during the hearing, refrain from interrupting others and to ask questions at the appropriate times during the meeting.

- Check that all points either party wishes to raise have been covered
- Ask the parent(s)/or their representative/or both to sum up if they wish to (new information is not to be introduced)
- Ask the Investigating Officer to sum up if they wish to (new information is not to be introduced)
- Tell parties that the committee will now consider its decision, and the clerk will communicate that decision to them in writing within **5 school days**
- Ask all parties to leave the meeting so the committee can consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The clerk remains to advise the committee and record its decision

Appendix 4

Acknowledgement Letter 1

Name
Address line 1
Address line 2
Address line 3
Post code

Private & Confidential

[Date]

Dear [name of complainant]

Re: Complaint about a member of staff – [name of school]

I am writing to acknowledge receipt of Complaint Form 1, and to let you know that I will investigate this complaint as Investigating Officer. It is important that the nature of the complaint is clearly understood, and I may need to meet with you or contact you to clarify the complaint. If we meet to discuss this complaint formally, you may be accompanied by a friend or relative if they wish.

I will investigate and collect any evidence necessary. The member of staff concerned will be provided with a copy of the complaint and supporting information, including evidence collected by myself. Once they have had an opportunity to consider it, the member of staff concerned will be invited to meet with me to present their view and any supporting evidence.

Within **10 school days** of the date on this acknowledgement letter, I will write to you and the member of staff giving the outcome of my investigation and my decision on the complaint, or explaining why this cannot be achieved within the 10 school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

Yours sincerely,

[Name of Headteacher]
Headteacher & Investigating Officer [name of school]

Appendix 5

Acknowledgement Letter 2

Name
Address line 1
Address line 2
Address line 3
Post code

Private & Confidential

[Date]

Dear [name of complainant]

Re: Complaint about the Headteacher or a member of the governing body – [name of school]

I am writing to acknowledge receipt of Complaint Form 1, and to let you know that I will investigate this complaint as Investigating Officer. It is important that the nature of the complaint is clearly understood, and I may need to meet with you or contact you to clarify the complaint. If we meet to discuss this complaint formally, you may be accompanied by a friend or relative if they wish.

I will investigate and collect any evidence necessary. The Headteacher/member of the governing body [delete as appropriate] will be provided with a copy of the complaint and supporting information, including evidence collected by myself. Once they have had an opportunity to consider it, the Headteacher/member of the governing body [delete as appropriate] concerned will be invited to meet with me to present their view and any supporting evidence.

Within **10 school days** of the date on this acknowledgement letter, I will write to you and the Headteacher/member of the governing body [delete as appropriate] giving the outcome of my investigation and my decision on the complaint, or explaining why this cannot be achieved within the 10 school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

Yours sincerely,

[Name of Chair of Governors]
Chair of Governors & Investigating Officer [name of school]

Appendix 6

Acknowledgement Letter 3

Name
Address line 1
Address line 2
Address line 3
Post code

Private & Confidential

[Date]

Dear [name of complainant]

Re: Complaint about the Chair of Governors – [name of school]

I am writing to acknowledge receipt of Complaint Form 1, and to let you know that I will investigate this complaint as Investigating Officer. It is important that the nature of the complaint is clearly understood, and I may need to meet with you or contact you to clarify the complaint. If we meet to discuss this complaint formally, you may be accompanied by a friend or relative if they wish.

I will investigate and collect any evidence necessary. The Chair of Governors will be provided with a copy of the complaint and supporting information, including evidence collected by myself. Once they have had an opportunity to consider it, the Chair of Governors will be invited to meet with me to present their view and any supporting evidence.

Within **10 school days** of the date on this acknowledgement letter, I will write to you and the Chair of Governors giving the outcome of my investigation and my decision on the complaint, or explaining why this cannot be achieved within the 10 school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

Yours sincerely,

[Name of Vice-Chair]
Vice-Chair & Investigating Officer [name of school]

Appendix 7

Acknowledgement Letter 4

Name
Address line 1
Address line 2
Address line 3
Post code

Private & Confidential

[Date]

Dear [name of complainant]

Re: Complaint about the whole Governing Body – [name of school]

I am writing to acknowledge receipt of Complaint Form 1, and to let you know that I will investigate this complaint as Investigating Officer. It is important that the nature of the complaint is clearly understood, and I may need to meet with you or contact you to clarify the complaint. If we meet to discuss this complaint formally, you may be accompanied by a friend or relative if they wish.

I will investigate and collect any evidence necessary. The Chair of Governors will be provided with a copy of the complaint and supporting information, including evidence collected by myself. Once they have had an opportunity to consider it, the Chair of Governors will be invited to meet with me to present their view and any supporting evidence.

Within **10 school days** of the date on this acknowledgement letter, I will write to you and the Chair of Governors giving the outcome of my investigation and my decision on the complaint, or explaining why this cannot be achieved within the 10 school days and giving a reasonable date by which the outcome of the investigation will be sent in writing.

Yours sincerely,

[Name]
Investigating Officer [name of school]

Appendix 8

Acknowledgement Letter 5

Name
Address line 1
Address line 2
Address line 3
Post code

Private & Confidential

[Date]

Dear [name of complainant]

Re: Complaint – [name of school]

I have received Complaint Form 2 which states that you are not satisfied with the outcome of the investigation carried out by the Investigating Officer. I received Complaints Form 2 on [date], and I am writing as stated in the school's Complaints Policy to acknowledge receipt, and to advise you that your complaint will be investigated by a panel of governors usually no sooner than **12 school days** and no later than **20 school days** from the date this acknowledgement letter is sent. I will send an invitation letter and agenda to you as soon as the meeting has been arranged.

I am also requesting, as stated in the school's Complaints Policy, that you send me any supporting documents you wish to submit, and the names of any witness(es) that you wish to call, within **5 school days** of receipt of this acknowledgement letter. 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.

If you decide to withdraw your complaint in the meantime, please let me know as soon as possible. I can be contacted on [phone number], or more easily at [e-mail address]. Please feel free to contact me if you have any other questions in the meantime.

Yours sincerely,

[Name of clerk]
Clerk to the Complaints committee of [name of school]

cc.
Headteacher
Chair of Governors
Investigating Officer (if the Stage 2 investigation was carried out by the Vice-Chair or an independent Investigating Officer)

Appendix 9

Invitation Letter

Name
Address line 1
Address line 2
Address line 3
Post code

Private & Confidential

[Date]

Dear [name of complainant]

Re: Complaint – [name of school]

Following my letter to you dated [date] acknowledging receipt of Complaints Form 2, I am writing to you and copying in the Headteacher and Chair of Governors [and Investigating Officer, if the Stage 2 investigation was carried out by the Vice-Chair or an independent Investigating Officer] as stated in the school's Complaints Policy to:

(a) confirm that a meeting of the governors' Complaints committee will be arranged for **[date]** at **[time]** at **[venue]**, and the panel members will be [names of panel members];

(b) advise all parties of your right to be accompanied to the meeting by a friend/adviser;

(c) state that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented prior to or at the beginning of the meeting.

I am also enclosing a copy of the agenda for the meeting which is being sent to all participants. The agenda includes:

- a cover sheet stating the meeting date, time and location, names of all participants in the meeting including the clerk, complainant, Investigating Officer, panel members and any witnesses, and a table of contents;
- procedure for the meeting;
- a copy of the complaint and any supporting documents which have been received from any of the participants;
- a copy of the school's Complaints Policy

If you decide to withdraw your complaint in the meantime, please let me know as soon as possible. I can be contacted on [phone number], or more easily at [e-mail address]. Please feel free to contact me if you have any other questions in the meantime.

Yours sincerely,

[Name of clerk]
Clerk to the Complaints committee of [name of school]

cc.
Headteacher
Chair of Governors
Investigating Officer (if the Stage 2 investigation was carried out by the Vice-Chair or an independent Investigating Officer)