



## Emmanuel Church of England Primary School

### COMPLAINTS POLICY AND PROCEDURE

#### Mission Statement

At Emmanuel School broad opportunities are provided for individuals to develop their full potential and allow them to be healthy, happy and secure.

Building on our Christian ethos and in partnership with the whole school community, we provide a stimulating and caring environment where individuals are valued and nurtured morally, spiritually and academically. We stress the fundamental principle;

**“Always treat others as you would like them to treat you” Matthew 7:12**

At Emmanuel CofE Primary School we have a strong commitment towards working in positive partnership with the whole school community and with the wider community. This procedure can be accessed by anyone who has a complaint or concern about the school.

A school is a busy place where there are many interactions between pupils, parents, carers and staff as part of the every day life of the school. From time to time something may go wrong, or you may think we can do something better. Usually concerns that are raised can be resolved very quickly but where an individual may feel that an issue has not been dealt with appropriately, this procedure provides a clear and transparent process for a complaint to be looked at and followed up.

#### 1. OVERVIEW

##### 1.1 The statutory requirement

1.1.1 Under section 29 of the Education Act 2002, governing bodies of all maintained schools and nursery schools are required to have in place a procedure for dealing with complaints about the school. The act also requires that this procedure be published on the school's website.

1.1.2 In drawing up this procedure, we have had regard to the Best Practice Toolkit for School Complaints 2016

1.1.3 The Freedom of Information Act 2000 also requires the procedure to be publicised.

## **1.2 Why do we need guidance and monitoring of school complaints?**

1.2.1 Parents and pupils are the key stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns – **even if all the response entails is an explanation of why something happens in the way that it does.**

1.2.2 We are also required to have a procedure for dealing with complaints from outside the school community, from anyone who has had an issue with the school.

## **1.3 What can a complaint be about?**

1.3.1 This complaints procedure is for anyone who has a concern or complaint about the school. The kinds of issues that might lead to a formal complaint being made may include, but are not limited to:

- Staff or pupil conduct
- Teaching and learning
- Bullying
- The school environment
- Decisions about exam entries
- Discrimination

1.3.2 In each case the responsibility for action lies with the school. In some cases a complaint may lead to a staff disciplinary process or an appeal against a decision governed by another process in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

1.3.3 Any action taken or information disclosed regarding an individual will be in line with the Data Protection Act 1998, its replacement and the GDPR.

1.3.4 Anonymous complaints will be assessed on a case by case basis.

1.3.5 Our complaints form can be used to assist you to provide us with the key information required to process your complaint however complaints can be considered without one.

1.3.6 Where a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to social care. Any action taken will be in accordance with the school's safeguarding policy.

## **1.4 What issues should the complaints procedure not deal with?**

1.4.1 Existing statutory bodies, personnel or other procedures already exist for dealing with each of the following issues:

- Complaints about statutory assessments for children with special educational needs
- Grievance or Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint). Members of staff will not be able to access the complaints procedure in relation to their employment.

- Matters likely to require a Child Protection Investigation
- Data Protection. Complainants should refer to the school's Data Protection Policy if they are unhappy with Data Protection matters.
- Admissions and exclusions
- Provision of collective worship and religious education
- Curriculum complaints
- Whistleblowing
- Complaints about services provided by other providers who may use school premises or facilities.

1.4.2 If at any stage of the process, the complainant begins legal action in relation to the matters under consideration, the complaints process will automatically cease and all further correspondence will be with the school's legal team.

## **1.5 Resolving issues and complaints**

1.5.1 Most issues and complaints can be successfully dealt with informally and an effective complaints procedure encourages this. However, for those situations where this is not the case, we have a formal process to investigate and deal with complaints. This process will also provide the school with the means to identify an area of concern at an early stage and to tackle it quickly and effectively.

1.5.2 We see it as important to try and reach an early resolution with complainants. This promotes closure in the matter and enables parents and teaching staff to move forward constructively. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the incident complained of will not recur – and an explanation of stages taken to ensure this
- An undertaking to review school policies in light of the complaint
- Asking the complainant what they feel they would like to see happen, which may help resolve the situation at any stage.

1.5.3 However it may also be the case that the outcome, at any stage of the procedure, concludes that:

- There is insufficient evidence to reach a conclusion, so that the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The matter has been fully investigated and that appropriate procedures are being followed, but these are strictly confidential under the Data Protection Act (e.g. where staff disciplinary procedures are being followed).

1.5.4 When we receive a complaint, we will try to:

- Discuss the complaint with the complainant.
- Clarify the details of the complaint
- Establish what has happened and who was involved
- Discover what the complainant feels would remedy the situation.
- Interview others involved – allow them to be accompanied if they wish.
- Approach each interview with an open mind, keeping notes.

1.5.5 If we are unable to respond in full within any of the specified time scales in this policy, we will inform the complainant before the deadline, giving the reason and a new deadline for response. Any revised deadline will be reasonable and proportionate to the timescales in this procedure.

1.5.6 Copies of notes or statements made during interviews used to inform a complaint response are not routinely disclosed to a complainant.

## **1.6 Timescales for making a complaint**

1.6.1 It is in the interests of all parties that any concerns or complaints are raised as soon as is practicable after they occur.

1.6.2 It is reasonable for schools to consider complaints up to three months after the event or three months after the event has become known to the complainant as head teachers and governors are better able to respond to complaints whilst events are relatively fresh. The school is not obliged to investigate events after this period, though exceptions will be considered.

1.6.3 Parents wishing to make a complaint after their child has left the school should be aware that the child's pupil file (educational record) will be passed onto their next school if they are still of statutory school age and therefore on these occasions the school may have a very limited amount of information available on which to pursue their investigation.

1.6.4 Complainants are therefore urged to consider how they might best obtain the resolution they desire and if this is possible if considerable time has elapsed.

## **2. THE PROCEDURE**

### **2.1 The stages for making a complaint**

2.1.1 A good procedure will enable swift handling of the complaint with clear time scales and will also ensure a full and fair investigation that respects the confidentiality of the complainant and the requirements of the Data Protection Act.

2.1.2 Dividing the complaint process into stages enables complainants to have a clear idea of how to make their concerns known and where to turn if they are not satisfied with an answer that they may have been given. It also provides schools with a clear approach to complaint handling.

- 2.1.3 **Where the following procedure refers to head teacher, they may delegate any of these functions to a member of the senior leadership team if appropriate. The final decision will however rest with the head teacher.**
- 2.1.4 **In exceptional circumstances, the head teacher or Chair may commission an independent investigator to undertake an investigation on behalf of the school. On those occasions, the school may seek advice from the local authority on how to arrange this.**

## **2.2 Stage 1 - Informal complaint**

- 2.2.1 This is when a parent or pupil or other person contacts the school because they are not happy about something that has happened, or is happening, in school.
- 2.2.2 At this stage ideally a class teacher, year head or other individual responsible for the service can resolve the concerns; this could be via a meeting if the complainant so wishes. The school will seek to identify at this point what sort of outcome the complainant is looking for in order to tackle minor concerns quickly and effectively.
- 2.2.3 **The response will be provided within a maximum of 15 school days from the date of receipt.**
- 2.2.4 The response can be oral or in writing, as deemed appropriate to the situation. Details of the complaint will be retained for monitoring purposes.
- 2.2.5 If we are unable to respond within the time scale given above, we will inform the complainant before the deadline, giving a reason for any delay and a new deadline for reply.
- 2.2.6 As part of the response, the complainant will be advised of the next stage of the procedure in case they are not satisfied with the outcome.
- 2.2.7 The head teacher may escalate the complaint to any stage of the process if they feel that it is appropriate. This may occur where the matter is considered to be of such concern, the head teacher may decide to undertake an investigation at Stage 2 immediately. .
- 2.2.8 A complainant's unreasonable refusal to attempt a local resolution may result in the procedure being terminated and this will be confirmed in writing.

## **2.3 Stage 2 - Formal complaint to the head teacher**

- 2.3.1 If the complainant is not satisfied with the response received from the class teacher or responsible individual at Stage 1 or if it is not appropriate for the class teacher or responsible individual to respond, the complainant should be given the opportunity to take the complaint to Stage 2 of the process in order for the head teacher to investigate.
- 2.3.2 Stage 2 complaints should usually be made in writing to the head teacher and should also include the complainant's desired outcome from the complaint (a

form is enclosed for this purpose). **We can assist you if you are unable to make a complaint in writing**

- 2.3.3 If the Stage 2 investigation is at the complainant's request, the complaint must be taken up by the complainant within **10 school working days** of receipt of the informal Stage 1 response. It is not appropriate for a complaint to be pursued after a long period of time has elapsed.
- 2.3.4 We will provide oral or written acknowledgement of a complaint **within 2 school days of receipt of the complaint** and include a target date for response. This will normally be **within 20 school days of receipt of your complaint**.
- 2.3.5 Where appropriate, the head teacher will provide the complainant with the opportunity to meet to discuss the complaint further and it is reasonable to allow a friend or advocate to accompany the complainant to the meeting if they so wish. Please note that 1.4.2 may be held to apply should legal representation be involved.
- 2.3.6 The head teacher will interview any relevant pupils / witnesses as soon as possible. Pupils may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the pupil feels comfortable will be asked to attend. Written records will be kept of all meetings, telephone conversations and interviews during the investigation
- 2.3.7 Following the completion of all appropriate investigations, the head teacher will respond in writing to the complainant, with all appropriate information in relation to the complaint and information on any outcome(s). The response will also inform the complainant of the next stage of the procedure in case they are not satisfied with the response.
- 2.3.8 Should the complaint be about the head teacher or if the head teacher has already had extensive involvement at Stage 1, it may be prudent to refer the complaint directly to the Chair of Governors to be dealt with at Stage 3. However it is obviously desirable for the head teacher to attempt to resolve the issue at this stage if possible.
- 2.3.9 Should a complaint be made to the Chair of Governors, the Chair of Governors may ask the head teacher, member of the senior leadership team or other appropriate school governor to carry out any investigation on their behalf. This should be someone with no previous involvement in the complaint. Should the complaint concern the conduct of the Headteacher, the Chair of Governors will review the complaint and decide whether the Headteacher should compile a response to the complainant or whether to follow the steps set out in 2.4.3. Should the Headteacher be asked to provide a response, this should not be seen as preventing further investigation of and response to the complaint as set out in 2.4 and 3.

## **2.4 Further consideration at stage 2**

- 2.4.1 If the complainant considers that the decision of the head teacher is perverse, or that the head teacher has acted unreasonably in considering the complaint

at Stage 2, then the complainant may bring a complaint in respect of the investigation carried out by the head teacher or member of the senior leadership team.

- 2.4.2 This will provide an opportunity for the evidence to support such a complaint to be investigated. In this case the complainant should submit, in writing, a complaint to the Chair of Governors in respect of the head teacher's investigation **within 10 school days of receiving the head teacher's written response.**
- 2.4.3 The Chair of Governors will carry out an investigation, and will consider all available evidence. This may include separate interviews with the complainant, the head teacher and relevant members of school staff if the Chair of Governors requires additional evidence. However it would not be appropriate to question any children if they have been part of any previous investigation.
- 2.4.4 When the investigation has been concluded the complainant and the head teacher will be informed in writing of the outcome **within 20 school days of receiving the complaint.**
- 2.4.5 If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably, then the complainant may request that the Governing Body review the handling of the complaint.

## **2.5 Stage 3 – Formal complaint to the governing body**

- 2.5.1 Complaints rarely reach Stage 3, but governing bodies should be prepared to deal with them if necessary. **Stage 3 Complaints will be heard by a committee of the full Governing Body, referred to as a complaints panel for the remainder of this procedure. Individual complaints will not be considered by the full governing body. It is important that the governors' complaint panel be seen to independent and governors with prior knowledge of a problem will not sit on the panel.**
- 2.5.2 As set out in 2.3.7, if the Chair of the governing body receives a written complaint directly from a parent, they will consult with the head teacher before taking any action. It is important to ensure that the earlier stages of the procedure have been exhausted and it may be more prudent that the Chair carry out an investigation or review as prescribed in the 'Further action at stage 2' part of the procedure above.
- 2.5.3 Complainants will be advised that complaints at this stage and addressed to the Clerk to the Governing Body via the School Officer **no later than 10 school days following receipt of a written outcome at Stage 2 or Further action at stage 2.** The complaint must be made in writing, outlining what action has been taken by the school so far and what desirable outcome the complainant would like. The complainant should state why the response made at Stage 2 was not satisfactory and what would satisfy their complaint.

- 2.5.4 **Written acknowledgement of the complaint will usually be made within 3 school days of receiving the complaint. A governors' complaints panel consisting of three members of the governing body will be convened.** The acknowledgement letter will inform the complainant that **their complaint is to be heard by the panel within 20 school days of receiving the complaint.** It will invite the complainant to submit any evidence supporting their complaint and draw the complainant's attention to the limits placed on the panel in 2.5.6. The Governing Body may call on governors from other schools should there be a conflict of interests or a lack of availability amongst its membership. The Governing Body may also choose to appoint governors from other schools to provide an independent chairing of the panel.
- 2.5.5 The complaint panel meeting will be arranged, with enough notice given so that everyone, including the complainant, can make arrangements to attend. **This notice period is usually at least 5 school days prior to the date of the panel meeting.**
- 2.5.6 The panel can only consider the original complaint and cannot review or decide on complaints which had not previously been received. Further, while the panel may review evidence submitted by parties in support of their complaint or response to the complaint, it will consider whether the action taken was reasonable based on the evidence available at the time in its response.
- 2.5.7 **A written response to the complainant will be made as soon as possible but within a maximum of 15 school days from the date of the panel meeting.**
- 2.5.8 A hearing procedure is included in Part 2 of this policy.

## **2.6 Appeal to the Department for Education**

- 2.6.1 If the complainant is still not happy by this stage, an appeal can be made to the Department for Education (DfE) on the following grounds:
- The governing body is acting or proposing to act unreasonably.
  - The school has not followed its own complaint procedures
  - The governing body has failed to discharge its duties under the 1996 Education Act.

It should be noted that, in this sense, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school or governing body could act in the circumstances.

- 2.6.2 Contact details for the DfE will be included in the final decision notice. The DfE can be contacted at:

Department for Education School Complaints Unit  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester

### **3. COMPLAINT HANDLING**

#### **3.1 Monitoring complaints**

3.1.1 The school will monitor complaints. Details to include in any monitoring records are:

- Name of complainant
- Details of the complaint
- A brief categorisation of the type of complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result
- Any follow-up action taken

3.1.2 Complaints will be recorded in a manner which indicates which stage(s) of the procedure they have been considered, with the outcome for each stage listed as either:-

- Upheld
- Not upheld or
- Partially upheld

3.1.3 One complaint can have several stages each with a different outcome. There will also be an indication as to what the response time scale is (dependent on the stage) and whether or not the response time scales have been met.

3.1.4 Gender, ethnicity and any disability of complainants will be monitored in order to address any possible equality issues.

3.1.5 As per the Data Protection Act, the details of complaints and their resolution will not be shared beyond those individuals directly involved. This includes school governors.

#### **3.2 Publicising our complaint procedure**

3.2.1 Details of the complaint procedure will be publicised on the school website and a copy available from the School Office.

#### **3.3 Serial and Persistent complaints overview**

3.3.1 A good complaints procedure can help limit the number of protracted complaints. This section, and section 3.4, set out how the school will deal with complaints on matters which have been settled via the above procedure, and complaints where the behaviour of the complainant is unreasonable.

3.3.2 If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained in writing that the procedure has been exhausted.

3.3.3 If a complainant acts unreasonably by continuing to raise similar issues or raising a range of unrelated issues on a repeated basis, then the school reserves the right to classify the complaint as serial and persistent and not to respond. This will generally apply when

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- The complainant is contacting the school repeatedly but making substantially the same points each time.

The school will be more likely to exercise this right if it believes that the complainant is contacting them with the intention of causing disruption or inconvenience (or has stated as such), if the complainant's letters/emails/telephone calls are often or always abusive or aggressive or if they have been abusive or aggressive

3.3.4 The school may take steps to limit or in some way ration contact for example:

- directing the parent to a specific teacher or other member of staff as a contact point.
- responding to the complainant at specific intervals.
- informal or formal written warnings given as to future behaviour and the consequences of that behaviour.

3.3.5 In these instances, care will be taken not to dismiss any new complaints that have been raised alongside previous complaints. However, any new issues will be addressed separately under the relevant stage of the complaints procedure. A continued dialogue between the school and the complainant is seen as extremely important as part of ensuring the best possible outcomes for children and a significant benefit of doubt will be given to parents / carers.

3.3.6 If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the head teacher or chair of governors will consider informing the complainant that the complaints may be considered unreasonable.

3.3.7 If the complainant believes that the school has acted unreasonably in reaching its decision they may appeal to the Department for Education.

### **3.4 Unreasonable Complaints**

3.4.1 It is not appropriate to make personal attacks on members of school staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to

behave unreasonably by not engaging with the school to attempt a joint resolution.

- 3.4.2 The school will not tolerate abuse towards staff, pupils or governors.
- 3.4.3 A policy for unreasonable complaints is included as Appendix 2. This policy defines what an unreasonable complaint is and how the school may respond to them. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. Actions may include banning an individual from the school.
- 3.4.4 Unreasonable complaints include what is sometimes referred to as vexatious complaints. A vexatious complainant is recognised in law as someone who raises a complaint without grounds in order to cause annoyance

### **3.5 Getting help and advice**

- 3.5.1 The schools may also wish to seek advice from any relevant authority such as the Local authority or for voluntary aided schools The London Diocesan Board for Schools (Church of England).

### **3.6 Governor Complaints**

- 3.6.1 Complaints regarding individual Governors should be made in writing to the Clerk to the Governors via the school office. Complaints made in this way will normally be investigated by the Chair of Governors, or the Vice-Chair if the complaint is in relation to the Chair of Governors. The timescales for response will be as in 2.3.4. If the complainant is not satisfied with the response, a Stage 3 panel composed of Governors will be convened to consider their appeal. The timescales followed will be as in 2.5. In exceptional circumstances, the Chair or Vice Chair may commission an independent investigator or arrange for a panel of independent Governors to hear the Stage 3 complaint. Complaints regarding the conduct of a Governor in dealing with or investigating a separate complaint will not normally be considered as a separate complaint.
- 3.6.2 Complaints regarding the whole Governing Body should be sent to the Clerk to the Governing Body, who will refer them to the local authority.

## **4. CURRICULUM COMPLAINTS PROCEDURE**

### **4.1 When can the curriculum complaints procedure be used?**

- 4.1.1 Complaints about the Local authority's powers or functions need to be considered only by the Local authority and should be addressed directly to the Local authority; however
- 4.1.2 There is a separate complaint procedure for issues around curriculum complaints. Parents or pupils may use this procedure if they believe that either the Local authority or the governing body are failing:
- To provide the National Curriculum in the school or for a particular child

- To follow the law on charging for school activities
- To offer only approved qualifications or syllabuses
- To provide religious education and daily collective worship
- To provide the information that they have to provide
- To carry out any other statutory duty relating to the curriculum,

or are acting unreasonably in any of the above cases. The procedure is as follows:

#### **4.2 Phase 1 – Informal**

4.2.1 Parents should be encouraged to take their concerns directly to the head teacher of a school in order to seek early resolution informally. A response should be given within a reasonable timescale. If the complaint cannot be resolved in this way, the following phase should be initiated:

#### **4.3 Phase 2 – The Governing Body**

4.3.1 A referral to the school’s governing body should be made and the complaint will be investigated in the same way as described in Stage 3 of the School Complaints Procedure above. The Chair can carry out an investigation or review prior to a panel being convened.

#### **4.4 Phase 3 – The Department for Education**

4.4.1 If the complainant is still not happy with the outcome of a complaint to the governing body about any of the above issues, they can write to the Department for Education at the address given above.

Policy reviewed: October 2018

Agreed review schedule: 3 years

Next review due: October 2021

Reviewed by (signature)

Flick Rea, Chair of S&HR

Kathryn Fitzsimmons, Head Teacher

## **PART 2**

### **6. MODEL PROCEDURE FOR A GOVERNORS' COMPLAINTS PANEL (Stage 3)**

#### **6.1 When will a complaints panel be convened?**

6.1.1 A panel will be convened if a complainant makes an appeal against a decision made by the head teacher or the Chair of Governors at Stage 2 of the school complaints procedure. The procedure for doing so is set out in 2.5.

#### **6.2 The panel**

6.2.1 The Chair of the governing body will arrange to convene a governors' complaints panel elected from members of the governing body. It may be necessary for the governing body to appoint reserves to this panel to ensure that three governors are available to carry out their task within the set time.

6.2.2 The panel members will be governors who have had no prior involvement with the complaint. The Chair of the governing body may be a member of the panel unless they have been previously involved in the complaint.

6.2.3 It is not appropriate for the head teacher to have a place on the panel. It may be helpful to have a governor who is also a parent on the panel, though if they know the complainant this could be counterproductive. Governors will be sensitive to issues of equality as set out in the Equality Act 2010.

6.2.4 The panel Chair will ensure that the panel will hear the complaint within 20 school days of receiving the request to move to Stage 3 as indicated in the acknowledgement letter however should the complainant be unable to attend the date offered and ask for the panel meeting to be deferred, it may be necessary to arrange for a later date. .

6.2.5 All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.

6.2.6 The Chair will write and inform the complainant, head teacher, any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done as soon as possible and will be done at least 5 school days in advance of the panel date. The Chair may delegate this task to the clerk to the panel. Any relevant documents for consideration at the panel should be submitted in order to be received by all concerned – including the complainant – at least 5 school days prior to the meeting. If the correspondence is extensive, a thorough summary should be prepared for sending to the parties.

6.2.7 The notification to the complainant will also inform them of their right to be accompanied to the meeting by a friend / advocate / interpreter. The complainant may not be accompanied by a solicitor who is acting in a legal capacity.

6.2.8 The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.

### **6.3 Who should attend?**

6.3.1 The Chair will invite the head teacher and/or Governor who carried out the Stage 2.2 investigation to attend the panel meeting, as well as the governors and the clerk to the panel.

6.3.2 The head teacher may also invite members of staff directly involved with matters raised in the complaint to appear as a witness to the panel. The involvement of staff other than the head teacher is subject to the discretion of the Chair.

6.3.3 It is the responsibility of the Chair to ensure that minutes of the meeting are properly recorded. Minutes will normally be taken by the clerk to the panel.

### **6.4 The meeting**

6.4.1 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.

6.4.2 The panel should take into account that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair will therefore ensure that the proceedings are as informal as possible.

6.4.3 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence. However, the panel will not consider new complaints and will consider whether the school's actions were reasonable based on the information held

6.4.4 If the conduct of one of the parties is such that the hearing cannot proceed, the panel will adjourn. The panel may restart the hearing following the adjournment. However, if the conduct continues, it may decide to reach its decision based on written submissions, and will inform the parties of this in writing.

### **6.5 The process**

6.5.1 Parties have the right to call witnesses (subject to the approval of the Chair). If witnesses are called, all parties as well as the governors have the right to question the witnesses. Staff members are not obliged to attend as witnesses if called by the complainant as there has been a previous investigation. However, **witnesses are only expected to attend for the part of the hearing for which they give their evidence.**

Whilst **the panel may ask clarifying questions of either party at any point**, the process of the complaint panel is as follows:-

- a. Welcome and introductions from the Chair
- b. The Chair explains the purpose of the meeting, the procedure and that all written evidence has been made available to all parties
- c. Complainant is invited to explain their complaint, followed by any witnesses they wish to call. Witnesses should only attend that part of the meeting which concerns them.
- d. The head teacher and/or the Governor who carried out the Stage 2.2 Investigation may then question both the complainant and the witnesses
- e. The panel may then question both the complainant and the witnesses
- f. Head teacher and/or the Governor who carried out the Stage 2.2 Investigation is invited to explain the school's actions, including those taken to address the complaint at Stage 1 and 2 of the procedure, followed by any witnesses the school wishes to call.
- g. The complainant may question both the head teacher and any witnesses the school wishes to call
- h. The panel may then question both the head teacher and any witnesses the school wishes to call
- i. Any remaining witnesses to leave
- j. The head teacher is invited to make a final statement, briefly summing up their position. New evidence should not be introduced at this point.
- k. The complainant is invited to make a final statement, briefly summing up their position. New evidence should not be introduced at this point.
- l. The Chair of the Panel explains to the complainant and head teacher that the panel will now consider its decision, and that a written decision will be sent to both parties within 15 school days
- m. The complainant and the head teacher leave together
- n. Panel deliberations and decisions

## **6.7 The decision**

6.7.1 The panel will then consider the complaint and all the evidence presented. They will:

- Reach a unanimous, or at least a majority, decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint

- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

6.7.2 A written statement outlining the decision of the panel will be sent to the complainant within 15 school days. The letter to the complainant will explain whether a further appeal can be made and, if so, to whom (ordinarily, the Department for Education at the address given in the policy). A copy will be provided to the head teacher.

6.7.3 Generally this would be the end of the governing body's involvement in the complaint process.

6.7.4 The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. These records will be kept separately from the pupil's personal records.

## **6.8 Summary of complaint panel timescales**

6.8.1 A summation of the timescales in a Governors' Complaints Panel is as follows:

- i. Written acknowledgement of the Stage 3 request sent within 3 school days of the complaint receipt date
- ii. The written acknowledgement should inform the complainant that the complaint is to be heard by / within 20 school days of the complaint receipt date
- iii. Once known, the Chair will then write and inform relevant parties of the date, time and place of the meeting and this should be done at least 5 school days in advance of the panel date
- iv. Any relevant and / or additional documents for consideration at the panel, including the head teacher's report, should be received by all concerned – including the complainant – 5 school days prior to the meeting
- v. The panel Chair will send a written decision to both head teacher and complainant within 15 school days of the panel date



What do you think we should do? .....

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

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Your signature: ..... Date: .....

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**Monitoring**

Are you:  Male  Female

Do you have a disability?  yes  no

**White**

- British
- Irish
- Greek or Greek Cypriot
- Turkish or Turkish Cypriot
- Albanian (excluding Kosovan)
- Kosovan
- Any other White background  
*specify if you wish* .....

**Asian or Asian British**

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background  
*specify if you wish* .....

**Chinese**

- Chinese

**Mixed**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background  
*specify if you wish* .....

**Black or Black British**

- Caribbean
- African:**
- Nigerian
- Somali
- Congolese
- Any other African background  
*specify if you wish* .....

**Any other ethnic category**

- Any other group  
*specify if you wish* .....

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## Policy for Unreasonable Complainants

Emmanuel School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Emmanuel School defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint may be regarded as unreasonable when the person making the complaint:-

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

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

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

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

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

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school specify methods of communication and limit the number of contacts in a communication plan. These may include the following steps

- directing the parent to a specific teacher or other member of staff as a contact point.
- requiring all contact through a single e-mail address
- responding to the complainant at specific intervals.
- informal or formal written warnings given as to future behaviour and the consequences of that behaviour.

This will usually be reviewed after 6 months.

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

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