



# Whitstable Junior School

# Complaints Policy inc.

# Governor Complaints

**Governors' Committee Responsible: Strategy Committee**

**Policy Originator: Headteacher**

**Status: Statutory**

**Review Period: 2 years**

**Date approved: January 2021**

**Next review date: January 2023**

**Signed:** \_\_\_\_\_ **Chair of Governors**

**Signed:** \_\_\_\_\_ **Headteacher**

**General Principles:**

This procedure is intended to allow complainants to raise a complaint relating to the school, or the services that it provides.

Throughout this policy where Headteacher or Chair person is referred to please read as Headteacher, chairperson or nominated person acting in their place.

An anonymous concern or complaint will not be investigated under this procedure, unless the Chair of Governors accepts that there are exceptional circumstances, for example a Child Protection issue.

To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event to which the complaint refers, will not be considered.

In order to investigate complaints as fully as possible this process is staged. Most issues are resolved informally and we would recommend that this approach is tried first. However, if the complainant feels that there is nothing to be gained and they wish to make a formal complaint they have the right to go straight to stage 1 of the complaints procedure.

Should complaints be raised against a governor then this process given in Appendix A will be followed.

**1. Resolving concerns informally****Complaints**

- I. Parent/community members and other members of the school community are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent/community member the nature of the concern and reassure them that the school wants to hear about it. Should the complaint be about a member of the Governing body this complaint should be dealt with using Appendix 'A' of the policy. Parent/community members should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved. The member of staff may explain to the parent/community member how the situation happened. It can be helpful at this point to identify what sort of outcome the parent/community member is looking for.
- II. If the member of staff first contacted cannot immediately deal with the matter, s/he will make a clear note of the date, name and contact address or phone number.
- III. All recipients of a complaint will know how to refer, if necessary, to the person with responsibility for the particular issue raised by the parent/community member. S/he will check later to make sure the referral has been dealt with.
- IV. If the matter is brought to the attention of the Headteacher s/he may decide to deal with the complaint (with the exception of a complaint against a member of the governing body). If the complaint is against the Headteacher the parent/community member will be advised to contact the Chair of the Governing Body.
- V. The recipient of the complaint will ensure that the parent/community member is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.
- VI. While it is often a helpful way to resolve problems more quickly, a parent/community member or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

## **2. Formal Complaints Procedure**

### **Stage 1: investigation by the Headteacher**

- I. Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can expect help to put their complaint in writing.
- II. The Headteacher (or designated person) will acknowledge the complaint in writing within three working days of receiving the written complaint. They will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.
- III. The Headteacher may provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.
- IV. If necessary the Headteacher will interview other parties and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed unless this is judged not to be in the interests of the pupil's welfare. Pupils should normally be interviewed with parent/community members/guardians present, but if this would seriously delay the investigation of a serious/urgent complaint or if the pupil has specifically said that s/he would prefer that parent/community members/guardians were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case. The Headteacher may delegate the task of collating the information to another member of staff but not the decision on the action to be taken.
- V. The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- VI. Once all the relevant facts have been established as far as possible, the Headteacher (will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the Chair of Governors within 20 working days of receiving the letter.
- VII. If the complaint is against the Headteacher, or if the Headteacher has been closely involved in the in the issue, the Chair of the Governing Body will carry out all the Stage 1 procedures.
- VIII. Should the complaint be against a member of the Governing Body the process given in appendix 'A' will be used.

### **Stage 2: investigation by the Chair of Governors**

All records will be reviewed by the Chair of the Governing Body and further interviews maybe undertaken for clarification. The Chair of the Governing Body will keep a record of meetings, telephone conversations and other documentation.

- I. The Chair of the Governing Body will produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate this will include what action the school will take to resolve the complaint.
- II. The complainant will be advised that should s/he wish to take the complaint further s/he should notify the chair within 20 working days of receiving the letter.

### **Stage 3: Review by the Governing Body complaints appeal panel**

- I. The Chair of the Governing Body will write to the complainant to acknowledge receipt of the written request for the governing body to review the complaint. The acknowledgement will inform the complainant that three members of the school's governing body will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint.
- II. These must be received in time for the documents to be sent to the three members.
- III. A meeting of the Governors' Complaints Panel will be convened.
- IV. No governors with prior involvement in the issues complained about will be included on the panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. Governors should bear in mind the advantages of having a parent/community member governor on the panel, and will also be sensitive to issues of race and gender. The Headteacher will not sit on the Panel. An experienced governor will chair the panel meeting.
- V. The Chair of the panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair may prepare a thorough summary for sending to Panel members.
- VI. The Chair or clerk will write and inform the complainant, Headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.
- VII. The Headteacher will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant should receive a set of the relevant documents including the Headteacher's report and the agenda, at least five working days prior to the meeting.
- VIII. Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel.

#### **At the panel hearing:**

- The complainant will have the opportunity to present their complaint.
- The Headteacher will explain the school's position.
- Those present will have the opportunity to ask questions.
- Panel members will have the opportunity to ask questions of the complainant and the Headteacher.

- The Headteacher will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement to the panel.
- The chair will ask the complainant if he or s/he feels they have had a fair hearing.
- The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.
- The Chair of the Panel will explain to the complainant and Headteacher that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and Agree a decision on the complaint; Decide upon the appropriate action to be taken to resolve the complaint; and where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

A written statement clearly setting out the decision of the Panel must be sent to the complainant and Headteacher. The letter to the complainant should also advise how to take the complaint further. The aim of the hearing, which is held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome of 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.

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

#### **Stage 4 The Secretary of State**

1. If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Secretary of State for Education. More information is available at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)

## **Appendix A**

### **Process for dealing with complaints against the Governing body**

Throughout this policy where Headteacher or Chair person is referred to please read as Headteacher, chairperson or nominated person acting in their place.

#### **Categories;**

Complaints against governors can be categorised;

- I. Those from other governors on the governing body;
- II. From members of the school community (including parents);
- III. Members of the school staff

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the governing body, which would normally fall to the Chairperson to manage.

Where the complaint is made against the whole governing body or the Chairperson then;

- I. Any complaint against the Chair of Governors would be passed to the Vice Chair of Governors
- II. or with agreement of the governing body passed to the chairperson or another member of the schools governing body to investigate. This would also be the action should a complaint be made against the whole governing body.

The governing body will consider to what extent the internal investigation of a complaint against a governor by another governor generates conflicts of interest or prejudice.

No member of the school staff, including the Headteacher should be involved in the investigation of a complaint against a governor other than as a witness.

#### **Procedure**

This procedure is for complaints from members of the public, members of the school community, parents and governors.

1. All complaints must be in writing, which includes email
2. The Chair person must inform the governor against whom the complaint is made, the content of the complaint and how it is to be managed
3. All complaints must be reported to the governing body as soon as practicable, however this information must be restricted to;
  - I. the date the complaint was received; and
  - II. against which governor the complaint is made
4. Unless otherwise agreed by the governing body, the complaint should be managed by the chairperson. (The Chair person may wish to seek advice from the Local authority or The Foundation board of Governors )
5. The Chair person will arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint the complainant should supply evidence
6. It may be that due to the nature of the complaint the Chair person may be able to resolve the complainant at the initial meeting and no further action would be taken. This outcome should be communicated immediately with the Governor who the complaint is against.
7. Where the complaint cannot be resolved at an initial meeting the chairperson will need to meet the governor concerned and put the complaint to them in order of them to make a response.
8. The chair person will write a letter to the complainant providing an outcome to their complaint.

9. The outcome could be that;
  - I. The complaint is dismissed;
  - II. The complaint is upheld in part or whole, and a letter of resulting actions where necessary to be sent to the complainant ;
  - III. The complaint is detrimental to the reputation of the governing body and the governor concerned is invited to resign;
  - IV. The governor is suspended
  - V. The governor is removed from the governing body

**Procedure for managing complaints from school staff against governors**

- I. The member of staff should report their complaint to the headteacher who will then report it to the Chairperson. Staff should not be submitting a complaint against a governor without notifying the headteacher.
- II. Staff may seek advice from their professional association to determine whether their issue constitutes a complaint for a formal grievance under the schools grievance procedure.
- III. The procedure then follows that given above

**Procedure for managing a complaints against the Chair person or the whole governing body**

- I. Good practice supports this process being undertaken by an independent party. A chairperson from another governing body, invited from our coastal alliance group of schools-details of these schools on our school website <http://www.whitstable-junior.kent.sch.uk> , would be invited to review evidence/information and with three other invited governors reach a decision on the outcome of the complaint. Process would follow the above.

**Recording**

The outcome would need to be recorded in the minutes of the governing body meetings, outcome recorded as;

That a complaint was made against a governor and investigated by XXXXX the outcome being XXXXX

**Suspension, removal and resignation**

Where a governor was at fault and the complaint so serious that it was upheld a person should no longer serve as a governor, the expectation would be that the person resigns.

Should the governor not resign and their continuation as a governor affect the reputation and the work of the governing body, the governor can be suspended.

In some cases it may be necessary to remove the governor from the governing body in order to resolve this issue, Such an action may be taken as a consequence the complaint or by governors inappropriate behaviour

Where the complaint is made against the Chairperson the governing body has the power to remove the person from office. This would also include the vice-chair.

**Removal of a Governor**

Reference; School Governance (Constitution) England Regulations (and amendment) 2017 No.487. Amendments to the School Governance constitution regulations 2012

Categories of Governors who can be removed from the Governing Body

Community Governors by the Governing Body

Authority Governors by the Local Authority

Foundation Governors by the body that appointed them

Since March 2017 ( reference 24A) Any parent governor, elected in accordance with regulation 6 (1) or any staff governor may be removed by the governing body may be removed by the

governing body in accordance with the procedure set out in regulation 25.

<http://www.legislation.gov.uk/uksi/2012/1034/regulation/25/made>

### **The Secretary of State**

If a complainant wishes to go beyond the governors' complaints panel, they should be advised to contact the Secretary of State for Education. More information is available at [www.education.gov.uk/schoolcomplaints](http://www.education.gov.uk/schoolcomplaints)



## **Appendix 'B'**

### **Annex to Complaints Policy**

#### **Policy for Handling Unreasonably Persistent, Harassing or Abusive Complainants**

The headteacher and governing body are fully committed to the improvement of our school. We welcome feedback from parent/community members/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parent/community members to use if they wish to make a formal complaint.

Sometimes, however, parent/community members or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

#### **What do we mean by 'an unreasonable or unreasonably persistent 'complainant'?**

For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with the school, hinder our consideration of the complaint, or other people's complaints.

Rarely, situations may escalate and in a re cases complainants can become abusive, offensive, threatening or otherwise behaviour inappropriately.

Unreasonable behaviour may include:

- actions which are
- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious
- an insistence on
- pursuing unjustified complaints unreasonably and/or
- unrealistic outcomes to justified complaints
- refusing to co-operate with the complaints investigation process
- refusing to accept that certain issues are not within the scope of the complaints procedure
- insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced
- changing the basis of the complaint as the investigation proceeds,
- denying or changing statements he or she has made at an earlier stage
- introducing trivial or irrelevant new information at a later stage
- raising numerous, detailed but unimportant questions; insisting they are all answered
- covertly recording meetings and conversations
- submitting falsified documents from themselves or others
- adopting a 'scattergun' approach; pursuing parallel complaints on the same issue
- making excessive demands on the time and resources of staff with lengthy phone calls, numerous emails, or detailed letters every few days, and expecting immediate responses.
- submitting repeat complaints with minor additions/variations that the complainant insists makes these 'new' complaints
- refusing to accept the decision; repeatedly arguing points with no new evidence.
- pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language; or
- making complaints in public; or
- refusing to attend appointments to discuss the complaint

## **What is 'harassment'?**

We regard harassment as including the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress, rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has an unjustifiably significant and disproportionate adverse effect on the school community.

## **What does the school expect of any person wishing to raise a concern?**

- The school expects anyone who wishes to raise concerns with the school to:
- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school; avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.
- **Schools' responses to unreasonably persistent complaints or harassment**
- This policy is intended to be used in conjunction with the school's complaints procedure.
- Taken together, these documents set out how we will always seek to work with parent/community members, carers and others with a legitimate complaint to resolve a difficulty. Should a parent/community member/carer or individual meet the criteria outlined for unreasonably persistent, harassing or abusive complainants a review will be undertaken by a panel of the governing body and if classified as a vexatious complaint all or some of the following steps may be taken:
- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require any future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through a third party chosen by the school, for example the Local Authority or County Solicitor;
- inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only.
- prosecute under Anti-Harassment legislation.
- place limits on the number and duration of contacts with staff per week or month.
- offer a restricted time slot for necessary calls.
- limit the complainant to one medium of contact (telephone, letter, email etc)
- require the complainant to communicate with only one member of staff
- require any personal contact to take place in the presence of a witness and in a suitable location.
- refuse to register or process further complaints about the same matter.
- **The Governing Body panel will consider whether:**

- The complaint has been investigated thoroughly
- Any decision reached is the right one
- Communication with the complainant has been adequate, and
- The complainant is not now providing any significant new information that might affect the organisations view of the complaint.

If Governors make a decision to apply restricted access, a letter will be sent to the complainant with a copy of this policy to explain:

- Why the decision has been taken
- What it means for his or her contacts with the school
- How long the restriction will last, and
- What the complainant can do to have the decision reviewed.

Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy.

At the end of the review period, the Governing Body Panel will inform the complainant of the outcome of the review. If restrictions are to continue the reasons will be explained and the date when the restrictions will be reviewed next.

### **Physical or verbal aggression**

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- Prosecute under Anti-Harassment legislation.
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996.