Nottinghamshire County Council

Misterton Primary and Nursery School

Complaint's Policy

and the

managing serial, vexatious or unreasonable complaints policy

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1. Who can make a complaint?

1.1 In a maintained school, any person, including members of the public, may make a complaint to Misterton Primary and Nursery School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

2. The difference between a concern and a complaint

2.1 A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which re assurances are sought'*.

2.2 A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

2.3 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Misterton Primary and Nursery School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

2.4 If you (the complainant) have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

2.5 We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Misterton Primary and Nursery School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Informal complaints involve hearing a complaint quickly, finding a resolution and providing an explanation of the actions taken regarding the complaint. We encourage the resolution of complaints through informal channels whenever possible. However, should you wish to lodge a formal complaint, you can do so by following the procedures outlined in this policy.

2.6 We will treat all complaints seriously, with an honest and open mind, and do everything we can to deal with them efficiently and effectively. We will aim to keep you informed and provide clear explanations for decisions made. If we find that something has gone wrong, we will try to put this right as soon as possible and use the complaints information in a positive way to identify training requirements, improve processes, and share learning when appropriate to prevent similar occurrences in the future.

Please note that the complaints process is an internal procedure designed to address concerns and issues that are believed to have gone wrong, and if this is the case, help us to address this and make improvements. However, this is not a legal or HR process.

We recognise that making a complaint can be an emotive process, and we ask that all individuals engaging with this process, including parents and carers, do so in a respectful and constructive manner. Abusive, aggressive, or disrespectful behaviour towards staff or others involved at any stage will not be tolerated and the Managing Serial and Unreasonable Complaints Policy will be followed (It is a criminal offence to cause or permit a nuisance or disturbance on school premises. This means that any person(s) can be legally removed from the site if they are acting in an abusive or threatening way at meetings and may be banned from the school site. This is set out in section 547 of the Education Act 1996).

Complaints procedure flowchart

Complaint raised

is the complaint in the scope of this complaint's procedure? – A informal or formal complaint?

Informal Stage

A complaint can be heard informally to seek a quick resolution

If the concern/complaint is resolved - no further action

Stage 1

If the complainant remains dissatisfied with the outcome of informal stage (or wishes to raise the issue as a formal complaint), a stage 1 complaint can be submitted **within 3 months** of the incident occurring – see policy re exceptional circumstances

Stage 1 – Formal Complaint submitted

Complaint acknowledged by the school within 5 school days.

Stage 1 Investigation

The investigating officer or governor will investigate each part of the complaint in line with this policy. A response should be provided in full to the complaint within **20** school days from receipt of the complaint.

If the complainant is satisfied with outcome of the stage 1 investigation - no further action.

If the complainant remains dissatisfied with the outcome of any decisions (that were not upheld in the stage 1 investigation) - they can request, within 10 school days of receiving Stage 1 outcome, that these are reconsidered by a Stage 2 governor panel.

Stage 2 – Governor Complaints Panel

A panel of 3 volunteer governors needs to be convened to consider the complaint within **30** school days of receipt of the request to escalate to Stage 2. All parties will be requested to submit any evidence they wish to be considered and may be requested to attend the governor panel meeting

Stage 2 – Complaints Panel Decision

The clerk will confirm in writing the decision of the panel within 5 school days of the panel meeting. School procedures are now concluded. If the complainant remains dissatisfied, they must contact the Department for Education.

3. How to raise a concern or make a formal complaint

3.1 A concern or complaint can be made in person, by telephone or in writing (including by email). They may also be made by a third party acting on behalf of a complainant, as long - as they have appropriate consent to do so. We may ask you (the complainant) for evidence of this consent.

3.2 The complainant should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis, and it may also prevent them from considering the complaint at a later stage of the procedure.

3.3 **Concerns –** should be raised either the class teacher or headteacher**.** If the issue remains unresolved, the next step is to make a formal complaint.

3.4 **Formal complaints** – Please refer to the flowchart. This policy explains the school's complaints process for informal complaints and any stage 1 and stage 2 complaints. It is important to check in the first instance that the complaint is within the remit of this policy. It is strongly advised that the complaints form is used (in the appendix). The purpose of your complaint should be clear, preferably in bullet points, and should also state how you feel the complaint can be resolved to your satisfaction. If a complaint is not easily understood, it may need to be returned to the complainant to be revised so that the correct issues are being addressed. Any relevant evidence can be submitted with the formal complaint, but the investigation officer should speak with the complainant to discuss the complaint and ask if there is any more information that would be useful to know. If this proceeds to a stage 2 governor complaints panel, the complaints co-ordinator will request that all evidence is submitted by all parties by a given deadline.

3.5 Please note that if all (or part) of the complaint is about the conduct of a member of staff, it may have to be referred to the school's internal HR procedures to consider. If this is considered an HR matter, the complaint will be notified that the complaint is being addressed in line with school's internal procedures. but the complainant will not be informed of any subsequent decision or actions.

3.6 The school office staff will deal with correspondence confidentially in order to reach the recipient securely and promptly (e.g. to the Chair of Governors or the nominated complaints co-ordinator). This may mean that correspondence is opened and scanned to be electronically provided to the recipient. All correspondence will be kept confidentially and appropriately in accordance with school systems and procedures.

3.7 Please note that a copy of the written complaint will be provided to the person(s) the complaint is about in order for them to be able to provide a full response. If you do not wish for the full written complaint to be provided to the person(s) you must indicate this in your written complaint and state your reasons why this information should not be shared. In this case, a summary of the complaint will be agreed with the complainant and then provided to the person(s) you are complaining about in order for them to respond.

3.8 In accordance with equality law, we will consider making reasonable adjustments to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

4. Anonymous complaints

4.1 We will not normally investigate anonymous complaints. The Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation, but the outcome of any investigation cannot then be provided.

5. Time scales

5.1 **A complaint must be raised within 3 months of the incident** or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. However, we will consider complaints made outside of this time frame - if there are deemed to be exceptional circumstances.

6. Complaints received outside of term time

6.1 We will consider complaints made during school holidays to have been received on the first school day after the holiday period.

7. Duplicate Complaints

7.1 After a complaint has been closed, if the school receives a duplicate complaint from a partner, spouse, grandparent or child etc., the school can inform the new complainant that the school has already considered the complaint and the school's process is now complete. If there are any new aspects to the complaint, the new aspects alone will be considered in line with the full extent of the complaints procedure.

8. Complaint Campaigns

8.1.1 If the school becomes the focus of a campaign and receive large volumes of complaints, all based on the same subject or from complainants unconnected with the school, the Headteacher or Chair of Governors (if the complaints are about the Headteacher) will appoint an appropriate person to investigate the complaints. In these circumstances it may not be possible to meet with all individual complainants or correspond with them individually.

8.2 Once the investigation is concluded, the investigating person may choose to write to each complainant with an outcome, or the school can respond with a template response to all complainants, or by publishing a single response on the school website. Complainants are advised to contact the Department for Education if they are dissatisfied with the school's handling of the complaint.

9. Complaints raised using social media

9.1 Concerns or complaints must be raised using this complaints procedure in order to ensure the best outcome for all parties. Misterton Primary and Nursery School will not formally respond to complaints or concerns raised on Social Media platforms but may contact individuals to guide them to use the complaints procedure and to request the removal of such content on social media in line with school social media policies.

10. Mediation/Facilitated Discussions

10.1 Mediation can provide a helpful mechanism for discussion when a concern is raised, an can help rebuild relationships between parties once all of the stages of the complaints procedure have been completed. All parties must consent to attend a meeting of this nature in order for it to proceed.

10.2 In the event that a mediation meeting does go ahead, the formal procedure will simply be "paused" at the stage it has reached, recommencing at that stage if the meeting does not result in a satisfactory conclusion. Mediation should not be used as a substitute for an investigation during the formal stages of the complaint's procedure.

10.3 If felt beneficial, a neutral third party (or parties) may be invited to facilitate or attend the discussion if agreed in advance by all parties. This could be an officer from the Local Authority or someone from the Diocese if a church school for example.

11. WHO MANAGES EACH STAGE OF A COMPLAINT

If the complaint relates to:	Informal Stage	Stage 1 Formal (Investigation)	Stage 2 Complaint Panel
Pupils, parents or staff (other than the Headteacher)	**The appropriate member of staff.** (Any concerns about staff conduct may need to be considered under HR procedures).	**Headteacher or another Senior Manager** (The Headteacher may delegate the investigation, but not the decision).	**Governor Panel** (The panel could include governors/associate members from another school).
The Headteacher	No informal process advised	**The Chair of Governors**, **Complaints Governor or impartial person.** (Any concerns about Headteacher conduct may need to be considered under HR procedures).	**Governor Panel** (The panel could include governors/associate members from another school).
A Governor or group of Governors (other than the Chair of Governors)	**Chair of Governors**	**Vice Governors or another nominated non-staff governor** (which could include a governor/associate member from another school).	**Governor Panel** (The panel could include a governors/associate members from another school).
The Chair of Governors	No informal process advised	**Vice chair of Governors**	**Governor Panel** (The panel could include a governors/associate members from another school).
The whole governing body	No informal process advised	Clerk to governors will refer the complaint to **Nottinghamshire County Council Governor Services** who will attempt to secure a suitable investigating officer from the LA (if a maintained school) If this is not feasible,	**Nottinghamshire County Council Governor Services** will seek to nominate an independent panel of governors or associate members. If this is not feasible, the school will need to purchase this service from independent investigators

		the school will need to purchase this service from an independent investigator.	

12. Complaints that are <u>not</u> in the scope of the Complaints Policy

Complaints not dealt with by this policy	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals i.e. academisation, federation, etc	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Nottinghamshire County Council Contact us | Nottinghamshire County Council or call the Customer Service Team on 0300 500 800. If you (the complainant) are dissatisfied with the outcome about School re-organisation, please contact the Department for Education.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you (the complainant) have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Tel: 0300 500 8090. Email: mash.safeguarding@nottscc.gov.uk
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.* *Please see the school Relational Policy*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You (the complainant) may also be able to complain directly to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.

• Staff conduct	Complaints about staff (including from governors) will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed in line with school's internal procedures.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

12.2 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or HR tribunals etc, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

12.3 If a complainant commences legal action against Misterton Primary and Nursery School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have been concluded.

13. Informal Stage

13.1 Once your concern is made known to us, we will contact you by telephone or in writing as soon as possible. We may make arrangements to meet with you to discuss your concerns and desired outcomes in more detail to gain a better understanding and to agree which stage of the complaint's policy this is being dealt with and who will do this. **Our focus in this informal stage will be to seek clarification on your concern and find a resolution and we will consider how we can work with you positively to find a way forward.** Your concern may need to be referred to the appropriate person with responsibility for your particular issues. This member of staff will make a clear note of the details and will check later to make sure that the matter has been followed up. Any actions or monitoring of the situation that has been agreed will be communicated clearly and confirmed in writing to you.

13.2 If your concerns are in respect of a particular member of staff, you should contact the Headteacher. If your concerns are about the Headteacher, a governor or a group of governors, the Informal stage of this procedure may not be appropriate, and the complainant may be referred to Stage 1 of the procedure.

13.3 If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concerns. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further. We would expect that the majority of concerns will be resolved at this early stage.

13.4 If you remain dissatisfied at the end of the informal stage, you can move to Stage 1 of the procedure and submit a formal complaint. After trying to resolve your complaint through the informal stage, we may also determine that a formal approach is now required following the procedures of a Stage 1 complaint.

14. Stage 1 – Formal Complaint

14.1 This stage in our procedures deals with formal complaints or when the informal stage has not successfully reached a resolution.

14.2 A formal complaint may be done in person or telephone, but it is helpful if it is in writing using the complaint form included at the end of this policy. It is vital that any complaint clearly states the reason for your complaint and what resolution you are seeking.

14.3 If you have submitted a verbal complaint in person or by telephone, the person receiving your complaint will make a written record and this will be forwarded to the appropriate person.

14.4 Formal complaints must be addressed to the individual below, depending on what they are about.

14.5 We will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or by email) within 5 school days.

Complaints about the school or the actions of a member of staff	Completed complaints forms should be posted or emailed to the school office and marked "confidential - for the attention of the Headteacher" officeadmin@misterton.notts.sch.uk
Complaints about the actions of the Headteacher	Completed complaints forms should be posted or emailed to the school office and marked "confidential - for the attention of the Chair of Governors" officeadmin@misterton.notts.sch.uk
Complaints about a governor	Completed complaints forms should be posted or emailed to the school office and marked "confidential - for the attention of the Chair of Governors" officeadmin@misterton.notts.sch.uk
Complaints about the Chair of Governors	Completed complaints forms should be posted or emailed to the school office and marked "confidential - for the attention of the Vice Chair of Governors" officeadmin@misterton.notts.sch.uk
Complaints about the whole board of governors	Completed complaints forms should be emailed and marked "for the attention of NCC Governor Services Manager" governors@nottscc.gov.uk

14.6 The acknowledgement letter will detail who will be investigating your complaint. This will be the headteacher, or a member of the senior leadership team delegated by the Headteacher to investigate your complaint. However, if the complaint is about the Headteacher personally, the chair of governors will usually investigate (or another governor or suitably experienced person who is an impartial person). The board may have reciprocal arrangements in place with one or more local schools to "borrow" an independent and experienced governor to undertake a stage 1 investigation or provide one or more independent governors for a stage 2 governor panel.

14.7 As part of our consideration of your complaint, the person investigating your complaint will seek to clarify the nature of the complaint, ask what remains unresolved and what

outcome the complainant would like to see. The person investigating your complaint will consider whether a phone call, email or face-to-face meeting is the most appropriate way of doing this. (If you have a preference or need any reasonable adjustments, please let us know in advance.)

14.8 During the investigation, the person investigating the complaint will:

- Try to speak to key people and any witnesses involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation

The person investigating your complaint may also be accompanied by a suitable person if they wish. A note-taker may also be present.

14.9 If the complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others present at the time of the incident in question. Witnesses will be reminded that the statements they make, whilst confidential, may be used as evidence later in the procedure and could therefore be seen by other parties considering the complaint (e.g. Governor Complaints Panel members). It may be necessary to redact or remove the identity of the person giving the statement or any third party if mentioned e.g. another pupil if there is not written permission provided to include these names.

14.10 We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that they would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.

14.11 When investigating particularly sensitive or confidential complaints, all parties will need to be mindful of confidentiality and data protection, and careful consideration should be given to who is present in the investigation and how confidentiality can be maintained.

14.12 Electronic recording of the meeting is not permitted without the consent of all attendees and only in special circumstances, i.e. where there are communication difficulties.

14.13 At the conclusion of their investigation, the person investigating your complaint will provide a formal written response within 20 school days of the date of receipt of the complaint. If the investigating person is unable to meet this deadline, they will provide you with an update and the revised response date.

14.14 The written response to your complaint will detail any actions taken to investigate the complaint and provide a full explanation of the decision and the reason(s) for it. The response should detail specifically whether each element of your complaint has been upheld, upheld in part or dismissed. Where appropriate, it will include details of actions we will take to resolve the complaint. You (the complainant) may be invited to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

14.15 If you remain dissatisfied with the outcome of your complaint at Stage 1, you are entitled to progress the parts of the complaint not upheld, for a governor panel to review as a stage 2 complaint.

15. Stage 2 governor panel

15.1 Stage 2 is the final stage of the complaints procedure.

15.2 Within 10 school days of receiving the outcome of your complaint at Stage 1, you (the complainant) must submit your request for your complaint to go to a stage 2 governor panel. You may find it helpful to use the complaints form (Section 13). Requests received outside of this time frame will only be considered if exceptional circumstances apply.

You should:

- state specifically why you are not satisfied with the outcome at Stage 1
- state what resolution you are seeking.

15.3 Only the parts of the complaint that have not been upheld or remain disputed can be considered (as you cannot appeal something that was previously upheld).

15.4 You should send your stage 2 complaint to the school office. The school will acknowledge receipt of the email within 5 school days and ensure the complaint is received by the intended recipient. A nominated complaints co-ordinator will usually be appointed as the contact point and arrange the dates of the meeting, the panel members and requests for evidence plus the distribute the packs of papers for the meetings.

15.5 If your reasons for moving to Stage 2 are not clear, the school may need to come back to you for further clarity. Your reasons for moving to Stage 2 will need to be shared with the Headteacher and any person who investigated your complaint so that they can prepare a response for the panel to consider. The Governor Complaints Panel will not normally review any new complaints at this stage or consider evidence unrelated to the original complaint, and new complaints should be dealt with at the Stage 1 of the complaints procedure.

15.6 The Governors Complaints Panel is formed of three governors or associate members with no prior involvement or knowledge of the complaint. If there are fewer than three governors from Misterton Primary and Nursery School available, the nominated complaints co-ordinator will source any additional, independent governors (or associate members) through another school or through their LA's Governor Services team or Diocese, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 2. They will also source an independent clerk of governors to support the panel. The exception to this is when a maintained school has appointed a standing committee to hear all the complaints (please refer to the board's scheme of delegation).

15.7 The purpose of a stage 2 governor panel meeting is to give you the chance to present your concern to a panel of 3 governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

The aim of a panel is to**:**

- Establish facts.
- Review how the complaint has been investigated and determine whether this has been conducted fairly.
- Determine if the complaint is upheld in whole or in part or is dismissed in whole or in part and to make any recommendations.
- As a result of this process, reassure you as the complainant that we have taken your complaint seriously and given it fair and due consideration.

15.8 If the complaint is:

- jointly about the Chair and Vice Chair or

- the entire governing body or the majority of the governing body

Stage 2 will be heard by a panel of independent governors and/or associate members appointed by the nominated complaints co-ordinator.

15.9 Prior to the meeting, the panel will decide amongst themselves who will act as the Chair of the Governor Complaints Panel. The panel will decide whether to deal with the complaint by inviting parties to a meeting or through consideration of the written representation and evidence only, but in making their decision they will need to be assured that the stage 1 investigation considered all aspects of the complaint and evidence provided and that they interviewed all relevant parties to understand the concerns of the complainant and the actions of the school. The panel need to be sensitive to the complainant's needs. **In most cases, a meeting with all parties invited will likely be convened. This may take place in person or on a virtual platform such as TEAMs.**

15.10 The nominated complaints co-ordinator will write to the complainant to inform them of the date of the meeting. They will aim to convene a mutually convenient meeting within 30 school days of receipt of the Stage 2 request. If it is not possible to convene a meeting within 30 school days, the nominated complaints co-ordinator will provide a timescale within which they expect the meeting to take place and keep the complainant informed.

15.11 If the complainant rejects the offer of three proposed dates, without good reason, the nominated complaints co-ordinator will decide when to hold the meeting. It will then proceed on the basis of written submissions from both parties only, in the complainant's and Headteacher/investigating person's absence.

15.12 The complainant will be asked whether they wish to provide any further written material for the panel to consider. The complainant should only provide information that is relevant to their complaint and not issues that have arisen after the Stage 1 investigation findings.

15.13 The Headteacher or person who investigated the complaint (as appropriate) will also be asked to submit documentation related to the investigation and the outcome in response to the complainant's request to move to Stage 2.

15.14 All parties will be asked to provide details of any witnesses that they intend to call and any companions. The complainant may bring someone along to provide support; this can be a relative or friend. It is the complainant's responsibility to gain agreement from their witnesses to take part in this process and the complainant will be responsible for communicating the arrangements of the panel meeting to their witnesses. The same applies for the Headteacher and person investigating the complaint.

15.15 A governor complaints panel is not a form of legal proceedings and neither the complainant nor the school should bring legal representation. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

15.16 Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

15.17 Representatives from the media are not permitted to attend.

15.18 At least 10 school days in advance of the panel meeting, the nominated complaints co-ordinator will provide all parties with a date to submit the documentation and names of witnesses/companions which must be adhered to. Once all the documentation has been received, the nominated complaints co-ordinator will collate and distribute the papers to all parties, at the same time, at least 5 school days prior to the panel meeting. All parties will receive copies of all the papers presented for consideration by the Governor Complaints Panel. The papers will be sent by secure email to all parties with paper copies provided on request.

15.19 The panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

15.20 The nominated complaints co-ordinator will confirm at least 5 school days in advance, the date, time and place of the meeting and who will be attending including witnesses and companions. We hope you (the complainant) will feel comfortable with the meeting taking place in the school, but we will do what we can to make alternative arrangements if you prefer. You should advise, as soon as possible, if you would prefer for the meeting to take place at an alternative venue to the school.

15.21 The complainant will be provided with a copy of the Procedure for the Governor Complaints Panel Meeting which explains what will happen at the hearing. The Chair of the Panel will bear in mind that the formal nature of the meeting can be perceived as intimidating for the complainant and will do their best to put the complainant at their ease.

15.22 As a general rule, no evidence (documentary or otherwise) or witnesses previously undisclosed should be introduced into the panel meeting by any of the participants. If any party wishes to do so, a request must be made to the panel and, if the panel agree to the request, the meeting will be adjourned so that the other parties have a fair opportunity to consider and respond to the new evidence. The adjournment will be managed by the clerk of the panel.

15.23 The chair of the panel will ensure that the meeting is properly recorded via written minutes. The minutes are strictly confidential and should not be shared with parties external to the process.

15.24 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's (or other party's) own disability or special needs require it. Prior knowledge and consent of all parties attending to record electronically must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken and all processes must adhere to Data Protection guidance/legislation.

15.25 **During the meeting**, the panel will consider the complaint and all the evidence presented. In closing the meeting, the chair will explain to the complainant that the panel will now consider its decision, and that written notice of the decision will be sent to the complainant by the clerk within 5 school days. However, if this timescale cannot be met, the complainant will be advised accordingly and a new timescale determined. Upon conclusion of the meeting, the complainant, Headteacher/person investigating the complaint withdraws from the meeting to allow the panel to consider its decision, supported by the clerk.

15.26 The Governor Complaints Panel will then consider the complaint, and all the evidence presented. The panel will acknowledge if the complaint is not upheld, upheld in whole or in part and may offer one or more of the following,

- an explanation
- an admission if the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an recommendation of actions to be taken to help ensure that it will not happen

again and an indication of the timescales for this to happen
- an undertaking to review school policies in light of the complaint
- an apology.

15.27 The Chair of the Panel (or the Clerk on behalf of the Chair) will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days. A copy of the letter will also be sent to the Headteacher, the Chair of Governors and the person who investigated your complaint (as appropriate). The letter to the complainant will also include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

15.28 The complainant may request a copy of the official minutes of the panel meeting and it is at the panel's discretion to make this decision. However, best practice is to ensure an open and transparent process.

15.29 We will keep a copy of all correspondence and notes on file in the school's records but separate from any pupils' personal records whilst the complaint is ongoing. Data will be held in line with the school data handling procedures.

15.30 If, at any stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher or the individual's line manager. Complainants are not entitled to participate in those proceedings or receive any detail about them

16. Withdrawal of a Complaint

16.1 If a complainant wants to withdraw their complaint at any stage of the procedure, we will ask them to confirm this in writing. Once received, we will confirm in writing to the complainant that this matter is now closed, and the complaints process will cease. If the complainant indicates verbally that they wish to withdraw the complaint, but does not confirm this in writing, we will write to the complainant to advise them that the complaint is closed.

17. Final Stage

17.1 **Sometimes a complainant may still not be happy with the governor panel's decision, or it is simply not possible to meet all of the complainant's wishes. Whist we do all we can to help to resolve a complaint against the school, this process can be extremely time-consuming for all parties and can detract from our responsibility to look after the interests of all the children in our care. In line with the DFE guidance, a stage 2 process is therefore the end of the school's complaints procedures regarding this matter**.

17.2 If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, the complainant can contact the Department for Education after the Stage 2 has been completed. You can contact the Department for Education via their website 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. Please enclose with your letter to the DfE a copy of the governor panel outcome letter.

17.3 Please note that the Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Misterton Primary and Nursery School. They will consider whether Misterton Primary and Nursery School has adhered to education legislation and any statutory policies connected with the complaint.

Managing Serial and Unreasonable Complaints Policy

This policy is in line with the model policy and guidance provided by the DFE. (It may also be referred to in order to manage any unreasonable or persistent contact not directly associated with, or resulting from, formal complaints).

18.1 Misterton Primary and Nursery 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 our 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.**

18.2 Misterton Primary and Nursery School defines **unreasonable behaviour** as that which hinders our 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 the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect 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 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 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.

18.3 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.

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

18.5 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 Misterton Primary and Nursery School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

18.6 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Misterton Primary and Nursery School.

18.7 The application of a '**serial or persistent'** marking is considered against the subject or complaint not the complainant.

18.8 If the complainant has completed the school's procedure and then contacts the school or governing board again on the same issue, the correspondence will be viewed as 'serial' or 'persistent'

A 'frivolous' or 'vexatious' complaint is defined by the Office of the Independent Adjudicator as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

18.9 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 restricting the individual to a single point of contact via an email address and limit the number of times they can make contact.

18.10 <u>The school and governing board will stop responding to the complainant regarding the complaint, if:</u> the school or governing board consider that they have taken every reasonable step to address the complainant's concerns, the complaints process has been exhausted and the complainant has been given a clear statement of the school's position and options and if any of these statements apply:

- letters, emails, or telephone calls are often or always abusive or aggressive
- there has been insulting personal comments about or threats towards staff
- the school have reason to believe the individual is contacting them with the intention of causing disruption or inconvenience
- the complainant contacts the school repeatedly, making substantially the same points each time.

Appendix

Guidance on individual's roles in the complaints process

NB – The governor panel may request that parties attend the meeting to provide clarity or answer questions to assist them in making their decision

Complainant

Role: The person making the complaint.

Responsibilities:

- Explain your complaint fully, clearly, and concisely, preferably using the form provided in this policy (item 13).
- Cooperate with the school to seek a solution.
- Respond promptly to requests for information or meeting dates.
- Ask for assistance as needed. (We will ensure that adjustments are made so that the complaints process is accessible to you e.g. providing information in alternative formats or supporting you to make your complaint.)
- Treat everyone involved with respect.
- Any written/printed evidence provided for the panel meetings must not have the name of another child mentioned or any images, unless you can provide authorisation from their parents - you can instead refer to them as "child A" etc.
- Refrain from publicising details of the complaint on social media and respect confidentiality.
- Maintain confidentiality throughout the process and afterwards.

Stage 1 Investigator - The headteacher (or person who investigated at stage one)

Role: Establish the facts relevant to the complaint and state if relevant policies were followed in accordance with the required procedures.

Responsibilities:

- Provide a comprehensive, open, transparent and fair consideration of the complaint.
- Conduct sensitive and thorough interviews with the complainant, staff, children/young people, and other relevant individuals.
- Consider records and other relevant information.
- Analyse information.
- Liaise with the complainant to clarify the complaint and understand what would resolve the issue.
- Conduct interviews with an open mind and sensitivity, persisting in questioning to obtain necessary information.
- Keep notes of interviews or arrange for an independent note taker.
- Ensure papers produced during the investigation are kept securely.
- Be mindful of response timescales.
- Prepare a comprehensive report setting out facts, identifying solutions, and recommending actions to resolve problems.
- Maintain confidentiality throughout the process and afterwards.
- Refer to the Governor Services complaints toolkit for guidance which included guidance for the stage 1 investigator **GovernorHub.**
- Present evidence and answer questions at any subsequent stage 2 governor panel meeting to review how the complaint has been investigated and to determine whether this has been conducted fairly.

The headteacher - If the headteacher was not the stage 1 investigator

Role: Provide information about the school's response to the complaint and the related school policies and procedures. (Any concerns regarding staff behaviour may be determined to require separate investigation in line with the school's internal HR procedures.)

Responsibilities:

- It may be helpful for headteachers to attend the panel meeting to provide information for governors to be able to make a decision and find a solution by having evidence provided and an opportunity to ask questions.
- Provide written statements as part of the evidence to be considered in the packs provided to all parties in preparation for the meeting.
- Can be accompanied during the meeting if they wish.
- Maintain confidentiality throughout the process and afterwards.

Nominated Complaints Coordinator

This is a key post that must be appointed at the earlier point of the stage 2 process. The 'Complaints Co-ordinator' could be a member of SLT, the School Business Manager or a named (impartial) governor. (This policy is based on the DfE model and guidance, and it is generally considered that a person "with no prior exposure to the complaint are suitably impartial".)

Role: Manage the administration of the Stage 2 complaints process from the start.

Responsibilities:

- Ensure the complainant is fully updated at each stage.
- Liaise with staff members, headteacher, Chair of Governors, Clerk, and LA officers (if appropriate) to ensure smooth running of the procedure.
- Be aware of issues regarding sharing third-party information and providing additional support, such as interpretation services or support for children/young people.
- Keep records.
- Ensure all involved are aware of their legal rights and duties under relevant legislation (e.g., school complaints, education law, Equality Act 2010, Freedom of Information Act 2000, Data Protection Act 2018, GDPR).
- Set the agreed date, time, and venue of the meeting, ensuring convenience for all parties and accessibility.
- Collate and send relevant written material to parties in advance of the meeting within an agreed timescale.
- Maintain confidentiality throughout the process and afterwards.

The clerk to the complaints panel

All governor meetings must have a Governance Professional/Clerk to governors who is able to provide clear impartial advice, and effective administrative support to help the governor panel understand its role, functions and legal duties.

Role: Provides clear, impartial advice and effective administrative support to the governor panel.

Responsibilities:

- Support the governor panel in understanding its role, functions, and legal duties.

- Record the meeting via official minutes.
- Provide guidance on procedures during the meeting.
- Support the panel with the outcome letter notifying all parties of the panel's decisions.
- Maintain confidentiality throughout the process and afterwards.

Subject to availability, Governor Services may be able to provide a specialist clerk for the day of the complaints panel. The specialist clerk to governors is therefore not usually the first point of contact for complaints; this is the role of the nominated complaints coordinator.

The Chair of the Governor Complaints Panel

Role: Ensures the smooth and fair conduct of the governor panel meeting.

Responsibilities:

- Request additional information from both parties via the Clerk to governors before the meeting.
- Conduct the meeting in an informal, non-adversarial manner.
- Maintain an open-minded and independent panel process.
- Ensure no panel member has an external interest in the outcome or prior involvement in the complaint.
- Ensure all parties are treated with respect and courtesy.
- Put complainant at ease, especially if they are children or young people.
- Explain the remit of the panel meeting to the complainant.
- Ensure written material has been shared with everyone in attendance, respecting confidentiality and privacy laws.
- Allow time for consideration and governor panel questions.
- Provide opportunities for both the complainant to present their complaint and the school to present their response. If any new issues arise which are not related and not included in the original complaint, they may need to be investigated separately, starting at stage 1 in line with the school policy.
- Ensure the issues are addressed and key findings of fact are made.
- Liaise with the Clerk to governors to ensure the meeting is minuted and a comprehensive outcome letter is produced, in the time scale required, that summarises the deliberation of the panel, the decisions for each part of the complaint and the reasons for each decision.
- Maintain confidentiality throughout the process and afterwards.

The Governor Complaints Panel Members

Role: All school governors, including the Chair of governors, are volunteers who give their time, skills and experience to provide independent strategic leadership and challenge to the school.

Responsibilities:

- It is recommended that panel members attend governor panel training prior to the meeting so that they feel confident to undertake this important role and understand their remit.
- Avoid involvement if they have prior connections to the complaint or complainant or prior knowledge of the details of the complaint.
- Aim to resolve the complaint and achieve reconciliation between the school and the complainant.
- Take extra care when the complainant is a child or young person, ensuring they do not feel intimidated.
- Respect the views of all parties.

- Prioritise the welfare of the child/young person.
- After considering all the evidence, make a decision on each aspect of the complaint with a reason and provide any recommendations
- Maintain confidentiality throughout the process and afterwards.

Witnesses

Role: Provide evidence to help establish the facts of the complaint.

Responsibilities:

- May be asked to attend by either party or the panel
- May be asked to submit written statements instead of attending in person.
- Can be accompanied during the meeting if they wish by a companion.
- Only present during the part of the meeting where they provide evidence or answer questions.
- Maintain confidentiality throughout the process and afterwards.

Companion

Role: Provide support to complainants, respondents, and witnesses during the complaints process.

Responsibilities:

- Accompany individuals in a supportive role without speaking for them, unless necessary due to individual needs or circumstances.
- Maintain confidentiality throughout the process and afterwards.
- Cannot have a dual role as both companion and witness.

Complaint Form (stage 1 and/or stage 2)

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Mobile number** **Email Address:**

Please provided a <u>summary</u> of the key points of your complaint to be considered by the stage 1 investigation officer: (If this is a request to be considered by a stage 2 governor panel, please explain why you were dissatisfied with the outcome of the previous stage 1 investigation).

1. **I am writing to make a formal complaint about** …….. (the incident you are complaining about).

    - Bulletin point 1
    - Bulletin point 2
    - Bulletin point 3

2. **I am complaining because ……..** (give as much detail about the incident(s) as you can. Include the date/time, people involved, what happened, any witnesses).

3. **So far the following actions have been taken:** (explain what has happened so far in response to your concerns e.g. meetings, actions by the school. You can include copies of any letters or emails).

4. **I am not happy with the actions taken because** …….. (e.g. not enough done, the problem is still going on, no action has been taken).

I would like you to put things right by (e.g. explaining how this incident happened, an offering an apology, changing school policy, providing extra support for my child to … etc).

- Bulletin point 1
- Bulletin point 2
- Bulletin point 3

If you are attaching any evidence/paperwork, please give details of what this is.

Your signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Please note that a copy of the written complaint will need to be provided to the person(s) you are complaining about in order for them to be able to provide a full response.

If you do not wish for the full written complaint to be provided to the person(s) you must indicate this in your complaint/complaint form and state your reasons why this information should not be shared. In this case, an agreed summary of the complaint will then be provided to the person(s) you are complaining about in order for them to respond.