



Maidstone Grammar School  
*for Girls*

*Non sibi sed omnibus*

School Complaints Policy

School Policy

2024-2026

**History Log**

<b>Last Revised</b>	<b>Revised By</b>	<b>Ratified By Governors</b>	<b>Next Review Date</b>	<b>Time Scale</b>
January 2019	Deborah Stanley	January 2019	January 2021	Every 2 years
November 2020	Deborah Stanley	January 2021	January 2023	Every 2 years
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June 2024	Deborah Stanley	10.07.24	June 2026	Every 2 years

Contact: Miss Deborah Stanley, Headteacher

*A forward-thinking community with a tradition of excellence*

# School Complaints Procedure 2024 - 2026

## Introduction

Maidstone Grammar School for Girls (MGGS) is committed to providing the very best education for our young people and we want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible.

School Governing Bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. Sometimes when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following lists specific topics and the correct policy to refer to should you have a concern or complaint. You can access these policies on the school's website:

- Pupil Admissions: please see the School's Admissions Policy or contact Kent County Council Admissions team
- Pupil Exclusions: please see the school's Behaviour and Discipline Policy
- Special Educational Needs: The complainant can use this policy to complain unless the complainant's child has an Education Health and Care Plan and the Complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the complainant needs to contact the Local Authority
- Staff grievance, capability or disciplinary; these are covered by separate School Policies and Procedures
- Anonymous complaints: Please refer to the School's Whistleblowing Policy
- Subject Access Requests and Freedom of Information Requests: please see the School's Data Protection and Freedom of Information Policies.

## Aims and Principles of the Policy

This Policy aims to:

- Encourage the resolution of all concerns by informal means wherever possible
- Provide a mechanism for dealing with complaints once all informal means have been exhausted
- Ensure that complaints are dealt with fully and fairly and within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the School and all those involved.

## Safeguarding

Wherever a concern raised indicates that a child's wellbeing or safety is at risk, the School is under a duty to report this immediately to the local authority. All actions taken will be in accordance with the School's safeguarding policy.

## Social Media

In order for concerns and complaints to be resolved as quickly and fairly as possible, MGGS expects that those raising the concern or complaint will not discuss them publicly via social media. Concerns and complaints will be dealt with confidentially by the school and we expect those raising concerns or complaints to observe confidentiality also.

### **Anonymous Complaints**

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

### **Multiple Complaints on the same Subject**

The Headteacher or Chair of Governors, if appropriate, will determine if multiple complaints on the same subject can be investigated as one complaint and the same, or similar response sent to all complainants.

### **Time Scales**

You must raise a complaint within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply. If a complainant is not satisfied with the decision of a stage of the complaints policy they have a maximum of 20 school days to raise the matter to the next stage.

### **Complaints Received Outside of Term Time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Serial and persistent complaints**

The school will do its best to be helpful to people who contact it with a:

- complaint or concern
- request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, they will be informed that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, the school will not mark a complaint as 'serial' before the complainant has completed the procedure, unless the published serial complaint criteria applies.

## **Concerns**

### **Raising Concerns**

The majority of concerns can be dealt with without resorting to the complaints procedure. On occasion when there is a concern or query about any aspect of the school or a student's education or wellbeing, this should be raised with the student's form tutor, in the first instance. Ideally they will be able to address the concerns within three working days or can arrange a time to speak by telephone or to meet with them to discuss the issue.

All concerns will be dealt with confidentiality. It is always necessary to take notes of concerns that are raised in case the matter arises again in the future or need to be taken further.

### **Process for Dealing with a Concern**

Sharing a concern with a form tutor is usually the best and quickest way of resolving issues. In some cases the form tutor may feel it more appropriate to refer the complainant to a more senior or experienced member of staff.

- It is recommended that the complainant makes an appointment to speak to the form tutor as soon as possible as this will give both parties the opportunity to talk about the issue. Often this can take place with a telephone conversation
- It is important to recognise that Maidstone Grammar School for Girls, like other schools, is a busy organisation and may not be able to offer an appointment for a conversation straight away.
- The purpose of this conversation should be to establish the nature of the concern and to seek a resolution to the problem
- It is good practice for the form tutor to make a brief written record of the concerns raised and any actions agreed
- The member of staff may need to talk to others before they can respond. In general a timescale should be given for a response e.g. ten working days.

If as an outcome the concern still remains it should be referred to a more senior or experienced member of staff. This will usually be a Head of Study or a Head of Department to deal with. They will follow the process given above in responding to any concerns.

## **Complaints**

Where concerns are raised, MGGS intends for these to be dealt with fairly, openly and promptly. The Governing Body has approved the following procedure which explains what the complainant should do if they have any complaint about the school.

Where appropriate, MGGS will offer mediation to resolve a complaint at any stage of the process. The school may also use someone independent from the school to investigate a complex issue and to report back to the Headteacher or Chair of Governors (depending on which stage of the process the complaint is being dealt with).

### **Recording Complaints**

MGGS asks complainants to use the form in Appendix one when raising a complaint.

However, if the complainant has a communication preferences due to a disability or learning difficulties and schools will allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior

knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

MGGS will record the progress of the complaint and the final outcome. The Headteacher is responsible for these records and holds them centrally.

MGGS is aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

### **Complaints that Result in Staff Capability or Disciplinary Action/Proceedings**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

### **Complaints about the Headteacher or the Governors**

Where a complaint concerns the actions of the Headteacher, the complainant should first approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors via the Clerk to the Governing Body that they wish to take a complaint forward. The Stage 2 process will then commence and the Chair of Governors will be responsible for ensuring the process is taken forward.

Where a complaint concerns a Governor, the complainant should notify in writing the Chair of Governors via the Clerk to the Governing Body: Where a complaint concerns the Chair of Governors this should be made in writing to the Clerk of the Governing Body. For complaints against any member of the Governing Body Appendix 3 should be followed.

Complaints about the whole governing body should be addressed to the Clerk to the Governing Body at [clerk@mggs.org](mailto:clerk@mggs.org). Please mark the email as Private and Confidential. The Clerk will determine the most appropriate course of action. This will depend on the nature of the complaint and may involve sourcing an independent investigator to complete a Stage 2 complaint and a co-opted governor from another school to hear the complaint at Stage 3. The School will also seek advice from the Area Education Office.

## **The Stages of the Complaints Process**

**Stage 1 – Formal Written Complaint** (non- parental complaints are likely to go straight to this stage).

If the concern is not resolved a complainant may submit a formal written complaint. The complainant should use the form attached in Appendix 1 to do this and send it to the school at [central@mggs.org](mailto:central@mggs.org).

The complainant should set out clearly their concern and why they feel the issue has not been resolved through informal channels. It is also helpful if the complainant can set out what resolution they are seeking.

If a complainant wishes to withdraw their complaint, the school will ask them to confirm this in writing.

A member of the Senior Leadership Team, as determined by the Headteacher or Chair of Governors, will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involve
- Meet or contact the complainant if they need further information
- Clarify how the complainant may feel things could be put right, if this has not been set out in their letter or included on the complaints form
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish
- Conduct any interviews with an open mind
- Keep notes of any interview for the record.

The member of the Senior Leadership Team will keep in mind ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, the member of the Senior Leadership team will offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies and practice in light of the complaint.

If the complaint does not have any substance it will be considered to be unfounded or unsubstantiated.

The member of the Senior Leadership Team will discuss the outcome with the complainant and should send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, the complainant will be informed in writing and given an estimate of how long it will take to provide a detailed response.

**Stage 2 - Where the complainant is unhappy about the decision the member of the Senior Leadership Team has made about their complaint, this does not become a complaint against the member of staff involved.**

However, the complainant will be advised of their entitlement to take their original complaint to the Governing Body by writing to the Clerk to the Governing Body as soon as possible, and no more than ten working days, after receiving the decision, briefly outlining the content of the complaint and the reasons why the previous stage has not adequately addressed the detail of the original complaint.

In general, unless the complaint is about the actions of the Headteacher, this stage will be managed by the Headteacher.

When writing to the Governing Body (using the form in Appendix One) the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

The Headteacher should write to the complainant within 5 school days of receipt of their letter, acknowledging receipt. In general, the Headteacher will respond, in writing, within a further 20 school days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The complainant should be advised if this is the case.

Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the Headteacher may feel it necessary to meet with the complainant. The Headteacher should ensure notes are taken of this interview.

Before the Headteacher interviews a member/s of Staff, they must be informed that they may be accompanied by a work place colleague.

At the conclusion of their investigation the Headteacher will respond to the complaint in writing detailing their findings and any recommendations or proposed actions.

If the complaint is against the Headteacher, then the Clerk to Governors or the Chair of Governors should write to the complainant within 5 school days of receipt of their letter. The letter should set out who is conducting the investigation and that they will write to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The complainant should be advised if this is the case.

The Chair of Governors will often be responsible for carrying out such an investigation or may appoint another Governor to carry out the investigation, who will then reach a conclusion based on the investigation. If appropriate the Governors will obtain professional advice or seek the involvement of the Local Authority if the issues cannot be resolved internally by the School or specific expertise are required to carry out investigations. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the Investigating Governor may feel it necessary to meet with the complainant. The Investigating Governor should ensure notes are taken of this interview.

Before the Investigating Governor interviews a member/s of Staff, they must be informed that they may be accompanied by a workplace colleague.

At the conclusion of their investigation the Investigating Governor will compile a report detailing their findings and any recommendations or proposed actions.

Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the Headteacher or Investigating Governor, will notify the complainant in

writing of their conclusions and any actions that will be taken as a result of the complaint. (Except where this would involve taking any formal action against individual members of staff, which would remain confidential.) This should be done no later than 20 school days as set out above.

The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld and an apology given
- The complaint was substantiated in part or in full which may include details of how the school may improve future practice (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff)
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive
- The complaint is not substantiated by the evidence and therefore not upheld.

At this stage the complainant will be told that consideration of the complaint by the Headteacher or Investigating Governors is now concluded. Where the complainant is unhappy about the decision the Chair of Governors or Investigating Governor has made about their complaint, this does not become a complaint about the Headteacher/ Investigating Governor. However, the complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the Clerk to the Governing Body as soon as possible, and no more than 10 working days after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel be convened. See Stage 3 below.

### **Stage 3 – Governor Committee**

If the complaint is still not resolved to the complainant's satisfaction, or the Chair of Governors feels that it is necessary, he/she can set up a Complaints Committee to consider a complaint. The Chair of Governors will decide if this is appropriate and, as far as possible, a Complaints Committee is regarded as a last resort, unnecessary if the Chair of Governors is able to resolve the complaint. This is the final stage of the complaints procedure.

The complainant must write to the Clerk to the Governing Body within ten working days of receiving the decision at Stage 2. The complainant must briefly outline the content of the complaint and request that a Governor Complaints Committee is convened and mark any envelope or email "urgent, private and confidential". Requests received outside this time frame will only be considered in exceptional circumstances.

The Clerk to the Governing Body will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant that three members of the School's Governing Body will hear the complaint. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. If too many governors are in this position governors may need to be brought in from other schools' governing bodies to sit on the committee.

The Complaints Committee should meet at a time convenient to all parties. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.



The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. The Chair of Governors should be involved in this decision, regardless of whether they form part of the committee

An experienced Governor will chair the meeting. The Clerk of the Complaints Committee will contact the complainant with the arrangements and explain that they have the right to submit any further documentation relevant to the complaint up to 5 days prior to the committee meeting.

Once the Panel has met, the complainant and the School will be informed of their decision within twenty school working days. If it is not possible to meet these timescales then the Clerk of the Panel will contact both parties to discuss a mutually convenient date. Further information on how the Panel operates and the process is attached at appendix 2.

#### **Stage 4 – Escalation to Secretary of State for Education**

If the complainant remains unsatisfied by the outcome of the Governor's Committee, they will be advised to contact the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably.

The School Complaints Unit considers complaints relating to local authority maintained Schools in England on behalf of the Secretary of State. They will look at whether the school's complaints policy and other relevant statutory policies were adhered to. They will also check whether the school's policy adheres to education legislation. However, the unit will not re-investigate the substance of the complaint. This remains the responsibility of the school. If the Schools Complaints Unit finds that the school has not handled a complaint in accordance with its procedure, the unit may request that the complaint is looked at again.

The School Complaints Unit can be contacted by calling the national helpline on 0370 000 2288 or by going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester M1 2WD

If other bodies are investigating aspects of the complaint, for example the police or local authority, this may impact on the school's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigation.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

#### **Policy for Unreasonable Complaints**

MGS is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. It is expected that those making a complaint will

contact the school to make an appointment to speak to the relevant member of staff. Schools are busy places and meetings, which have not been pre-booked, cannot usually take place.

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.

The school defines unreasonable complaints 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'*.

**Examples: A complaint will 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 will also be considered unreasonable if the person making the complaint does so:-**

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

These actions can be either face-to-face, by telephone or in writing or electronically.

Complainants should limit the number 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, we may specify methods of communication and limit the number of contacts in a communication plan. 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. This may include barring an individual from school premises.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's, or carer's behaviour is a cause for concern MGGS will ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **Findings and Recommendations**

In investigating a complaint the Investigator will ensure that the Headteacher is informed of any findings or recommendations to ensure that they can be used to prevent a similar issue occurring again.

## Appendix 1 Complaints Form

Please complete and return to <a href="mailto:clerk@mggs.org">clerk@mggs.org</a> , or as a hard copy addressed to The Clerk to Governors, Maidstone Grammar School for Girls, who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
<b>For Office Use only</b>	
Date acknowledgement sent:	By Whom:
Complaint referred to:	Date:

## **Appendix 2**

### **Governor Complaints Committee Procedure**

- The Governors will elect a chair of the committee who will lead proceedings
- The committee, in conjunction with the chair of governors will determine if the complaint can be dealt with by written submissions or by inviting parties to a meeting .
- If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend
- The Headteacher may bring another member of the leadership team with them to any Governor Complaints Panel
- We do not encourage either party to bring legal representatives to the committee meeting. It must be agreed with the school beforehand
- Representatives from the media are not permitted to attend
- Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded
- The Committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint
- The Committee will not reinvestigate the complaint.
- The meeting will be heard in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

#### At a Committee hearing:

- The Chair will invite the complainant to present their complaint
- The Headteacher (or Investigating Governor) will explain the school's position.
- The Chair will invite those present to ask questions
- Panel members will have the opportunity to ask questions of the complainant and the Headteacher
- The Headteacher (or Investigating Governor) 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 of the Committee will ask the complainant if he or she feels they have had the opportunity to say everything they wish to say
- The Clerk to Governors will take detailed minutes. Alternatively, the school will provide a minute taker for the hearing
- The Chair of the Committee will explain to the complainant and Headteacher that the Committee will consider its decision and that a written decision will be sent to both parties within 20 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 if there are appropriate actions that can 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 letter clearly setting out the decision of the Committee within 20 working days must

be sent to the complainant and Headteacher or Investigating Governor. The letter to the complainant should also advise how to take the complaint further

- 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.

If receiving written representations:

- Before receiving written representations all parties will be informed of the date of the panel meeting and that a written decision will be sent to both parties within 20 working days of the panel meeting
- At the meeting the panel will review the complainant's original complaint
- The panel will review the paperwork reviewed by the Headteacher or Governor at the stage 2 appeal
- The panel will review the outcome letter sent by the Headteacher or Governor at the stage 2 appeal
- The panel will review any paperwork submitted by the Headteacher
- The Clerk to Governors will take detailed minutes. Alternatively, the school will provide a minute taker for the hearing
- The Panel will then consider the complaint and all the evidence presented and:
  - Agree a decision on the complaint
  - Decide if there are appropriate actions that can 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 letter clearly setting out the decision of the Committee must be sent within 20 working days. The letter to the complainant should also advise how to take the complaint further
- 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.

## **Appendix 3**

### **Procedure to Manage Complaints about School Governors**

#### **General Principles**

The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance
- complaints should be resolved as quickly as possible
- the process of resolving a complaint should not undermine the work of the Governing Body
- where help and support is needed in managing a complaint against a Governor, this could be sought from another school governing body.

A Governing Body should conduct its workings with a clear set of expectations of their role and behaviour. This is contained in the Governing Body Code of Conduct which should be signed by all Governors and which follows the Nolan Principles of those holding public office.

#### **Categories of Complaints**

Complaints against Governors can be categorised:

- (i) those from other Governors on the Governing Body
- (ii) those from members of the public which includes parents.

NB – Members of staff who have a complaint should use the school's Grievance Policy.

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 Chair to manage.

Where the complaint is made against the Chair then:

- (i) it could be passed to the Vice Chair; or
- (ii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to the Chair of another School Governing Body
- (iii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to an experienced Governor who will forward the recommended outcomes to the Vice Chair.

The Governing Body need to consider to what extent the internal investigation of a complaint against a Governor by another Governor generates a conflict 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, parents and Governors:

- All complaints must be made in writing to the Clerk. For complaints against the Chair the procedure below will be undertaken either by the Vice Chair or an Independent Investigator.
- The Chair must inform the Governor against whom the complaint is made, the content of the complaint and how it is to be managed.

- All complaints must be reported to the Governing Body as soon as is practicable, however the information must be restricted to: (a) the date the complaint was received; and (b) against which Governor the complaint is made.
- Unless otherwise agreed by the Governing Body, the Complaint should be managed by the Chair. The Chair may wish to seek advice from the school's Human Resources Provider.
- The Chair should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint the complainant should be able to supply evidence.
- It may be that due to the nature of the complaint, the Chair can resolve the issue at the initial meeting and no further action be taken
  - This outcome should be reported immediately to the Governor who the complaint is against and the Governing Body
- Where the complaint cannot be resolved at the initial meeting with the Complainant, the Chair will need to meet with the Governor concerned and put to them the complaint in order for them to make a response
- The Chair or Vice Chair will write a letter to the complainant providing an outcome to their complaint.
- The outcome of the complaint could be that:
  - the complaint is dismissed
  - the complaint is upheld in part or whole and a letter of apology is sent to the Complainant
  - the complaint is detrimental to the reputation of the Governing Body and the Governing Body refer to their Code of Conduct for next steps in line with regulations.
- The outcome of the complaint needs to be recorded in the minutes of the Governing Body meeting, for example:
  - Complaint was resolved or
  - That a complaint was made against a Governor and investigated with the outcome being .....

Where possible the timelines of the Complaints Policy should apply to this Appendix.



## **Appendix 4**

### **Roles and Responsibilities**

#### **The Complainant**

The Complainant will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint
- expresses the complaint in full as early as possible
- responds promptly to requests for information or meetings or in agreeing the details of the complaint
- asks for assistance as needed
- treats all those involved in the complaint with respect.

#### **The Complaints Co-ordinator (or Headteacher)**

The complaints co-ordinator should:

- ensure that the Complainant is fully updated at each stage of the procedure
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- liaise with staff members, Headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure
- keep records
- be aware of issues regarding
- sharing third party information
- additional support - this may be needed by complainants when making a complaint including interpretation support.

#### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- consideration of records and other relevant information
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Committee Clerk (this could be Clerk to the Governors or Minute taker appointed by the School)**

The Clerk is the contact point for the complainant for the committee meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- circulate the minutes of the committee hearing
- notify all parties of the committee's decision
- liaise with the complaints co-ordinator.

### **The Committee Chair**

The committee Chair has a key role in ensuring that:

- the meeting is minuted
- the remit of the committee is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents/carers who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- the committee is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- both the complainant and the school are given the opportunity to state their case and seek clarity
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing
- liaise with the Clerk and complaints co-ordinator.

### **Committee Member**

Members of the Committee will need to be aware that:-

- it is important that the committee is independent and impartial, and that it is seen to be so
- no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the hearing, which will be held in private, will be to achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child
- The panel chair will ensure that the proceedings are as welcoming as possible.

# Interviewing Best Practice Tips

## Children/Young People

- Consideration should be given as to whether children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation
- Care should be taken in these circumstances not to create an intimidating atmosphere
- Children/young people should be told what the interview is about and where appropriate that they can have someone with them.

## Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager
- Use open, not leading questions
- Do not express opinions in words or attitude
- Ask single not multiple questions, i.e. one question at a time
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Complaints Co-ordinator/Headteacher/Chair of Governors the option of a meeting between the conflicting witnesses
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

## Appendix 5

The following is a timeline of the stages of a formal complaint

Stage	Action	Timings
Stage 1	Formal complaint received by the school	School must acknowledge within five working days
	Response by the school	Within 20 working days of initial receipt of complaint
	Complainant reviews response and matter is resolved or...	Within 10 working days
Stage 2	Complainant submits stage 2 complaint	School must acknowledge with five working days
	Response by the school or governor,	Within 20 working days of initial receipt of the stage 2 complaint
	Complainant reviews response and matter is resolved or...	Within 10 working days
Stage 3	Complainant submits stage 3 complaint	Clerk to governors acknowledged within five working days
	Chair of Governors determines if it is appropriate to hold a stage 3 panel. If yes, then clerk sets up a panel and the panel determines on a physical meeting or receives written representations. A date is set for the panel to meet	Within 20 working days
	Date of meeting is communicated to all parties by the clerk to governors and a minimum of 5 days given to submit paperwork	Recommended at least 10 working days prior to the meeting
	Panel meets	Panel responses to the complainant within 20 working days