



# IMBERHORNE SCHOOL Policy Document



Headteacher: Mr Lee Walker

The Cornerstones of our  
Learning Community

<b>Complaints Policy</b>	
Date of Review	May 2023
Prepared by	Andy Yule
Approved by Governing Board	4 <sup>th</sup> May 2023
Policy based on	Combination of WSCC, Surrey and DfE model policies
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## Contents

Introduction.....	3
General principles.....	4
Resolving Complaints.....	5
Respect and Courtesy.....	5
Flow chart.....	6
Stage 1 – Discuss concern with member of school staff.....	7
1.1 Guidelines.....	7
1.2 Procedure.....	7
Stage 2 – Consideration by the Headteacher (or other appropriate person).....	8
2.1 Guidelines.....	8
2.2 Procedure.....	8
Stage 3 – Consideration by the Nominated Governor(s).....	10
3.1 Guidelines.....	10
3.2 Procedure.....	10
Stage 4 – Consideration by a review panel of Governors.....	12
4.1 Guidelines.....	12
4.2 Procedure.....	12
4.3 Guidance for conduct of a complaint review panel.....	14
5. Next Steps.....	15
6. Complaints about school Governors.....	15
6.1 Guidelines.....	15
6.2 Procedure.....	15

7. Unreasonably persistent complainants and unreasonable behaviour.....	17
7.1 Guidelines .....	<b>Error! Bookmark not defined.</b>
7.2 Procedure .....	<b>Error! Bookmark not defined.</b>
8. Timescale for making a complaint.....	19
Template Complaint Form.....	20

## Introduction

The aim of this policy is to help seek a resolution to a complaint and restore positive relationships.

The 2002 Education Act placed a duty on school governing bodies to establish procedures for handling general complaints about their school. Schools must ensure these procedures are publicised to parents and others.

These types of complaint are subject to other statutory procedures that are separate from this general Complaints Procedure:

Complaint by a member of staff	School grievance procedure. For further information contact the school.
Pupil exclusion	Right to make representations about fixed term exclusion to Governors. Where there is an unresolved dispute regarding a fixed term exclusion concerns should be raised with the local authority.
Admission to school	West Sussex County Council's policy on school admissions with right of appeal to independent panel if admission refused. For further information contact the school admissions team <a href="http://www.imberhorne.co.uk">www.imberhorne.co.uk</a>
Child protection/Safeguarding	West Sussex Safeguarding Children procedures apply. For further information contact WSCC.
Education, Health and Care Plan (EHCP)	West Sussex County Council's statutory assessment procedures apply if a parent requests a statement. Right of appeal to WSCC.
Freedom of information and data protection	Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 only of the Complaints Procedure should be completed. This will ensure that the complainant has access to further action via the Information Commissioner's Office ( <a href="http://www.ico.org.uk">www.ico.org.uk</a> ) within appropriate timescales.
Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010.  Protected Characteristics are:  <ul style="list-style-type: none"> <li>• Disability</li> <li>• Gender reassignment</li> <li>• Pregnancy and maternity</li> <li>• Race</li> <li>• Religion or belief</li> <li>• Sex</li> <li>• Sexual orientation</li> </ul>	The complaints procedure applies, but complainant has further right of appeal to WSCC.

## General principles

- **The school exists to provide the best possible start in life for its current and future students. It is not perfect and, consequently, staff and governors welcome constructive criticism, from whatever source, so that it can improve. Where things have gone wrong or mistakes have been made, we aim to openly acknowledge this and, where appropriate, make sincere apologies. However, the primary focus of how this policy is deployed will always be on what is of greatest benefit for the student body.**
- The aim is to achieve a resolution to concerns and complaints made by parents or members of the public. Most concerns can be resolved informally without any need to involve the Governing Body or West Sussex County Council. However, if a concern becomes a complaint, then this four-stage process will be used. It is not possible to jump stages in the procedure; it is a fundamental principle that each party must be allowed the opportunity to resolve the complaint before it is escalated to the next stage.
- The majority of parents/carers of children attending West Sussex schools have a positive relationship with their child's teachers and other school staff; this relationship is based on mutual respect and an understanding that both parties have the child's best interests at heart. This is the basis on which all schools operate and is another key principle of these procedures.
- Any complaint raised will be treated seriously and courteously. You will be given the opportunity to make your concerns known and school staff must be given time to properly investigate them in order for the matter to be resolved to everyone's satisfaction. It is important that you have confidence in these procedures and know that the matter will be investigated impartially and dealt with as quickly as possible. Resolving concerns involves balancing the rights and responsibilities of pupils, parents and school staff; there should be recognition that responsibility rests with each of these parties.

We urge you not to discuss your concerns on social networking sites (e.g. Facebook), as it can make it much harder for the school to resolve your concerns quickly and effectively.

To comply with equalities legislation, schools should be sensitive to the individual needs and circumstances of the complainant. No-one should be excluded from the complaints system because of any difficulties they may have in representing themselves either in writing or in person.

- If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.
- The investigation of a complaint will not deal with staff disciplinary matters. If, however, during the course of considering a complaint, it is concluded that disciplinary procedures should be initiated, the governing body will consider this as a separate action. Complainants will not be informed of any disciplinary action taken against a staff member as a result of their complaint. However, the complainant will be notified that the matter is being addressed.
- Confidentiality should be maintained at all times by all concerned. All conversations and correspondence must be treated with discretion. However, you will need to accept that some sharing of information within the school will be inevitable if the complaint is to be investigated fully and fairly. This will be done with sensitivity and will consider confidentiality. You should feel confident that a complaint will not disadvantage your child.

- Schools are mindful of the Data Protection Act and are not allowed to disclose personal information relating to third parties, i.e. other pupils, other parents, staff etc.
- Anonymous complaints, whilst difficult to manage and resolve, will be recorded and referred to the Headteacher or Chair of the Governing Body in the same way as other complaints. The fact that a complaint is from an anonymous source should not in itself justify a decision not to investigate the matter, nor should it rule out referral to other procedures as appropriate, e.g. child protection.
- Headteachers and governors must be prepared to investigate and review complaints up to six months after the event and even after a pupil has left the school.
- Where the concern relates to the conduct of a school governor a recommended protocol is available in section 6 of this guidance.

### **Resolving Complaints**

At each stage in this policy the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that 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 explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology
- an indication of changes the school intends to make for the direct or indirect benefit of students

Complainants should not expect that they will receive any other resolutions – in particular, see the note on the previous page about staff disciplinary matters.

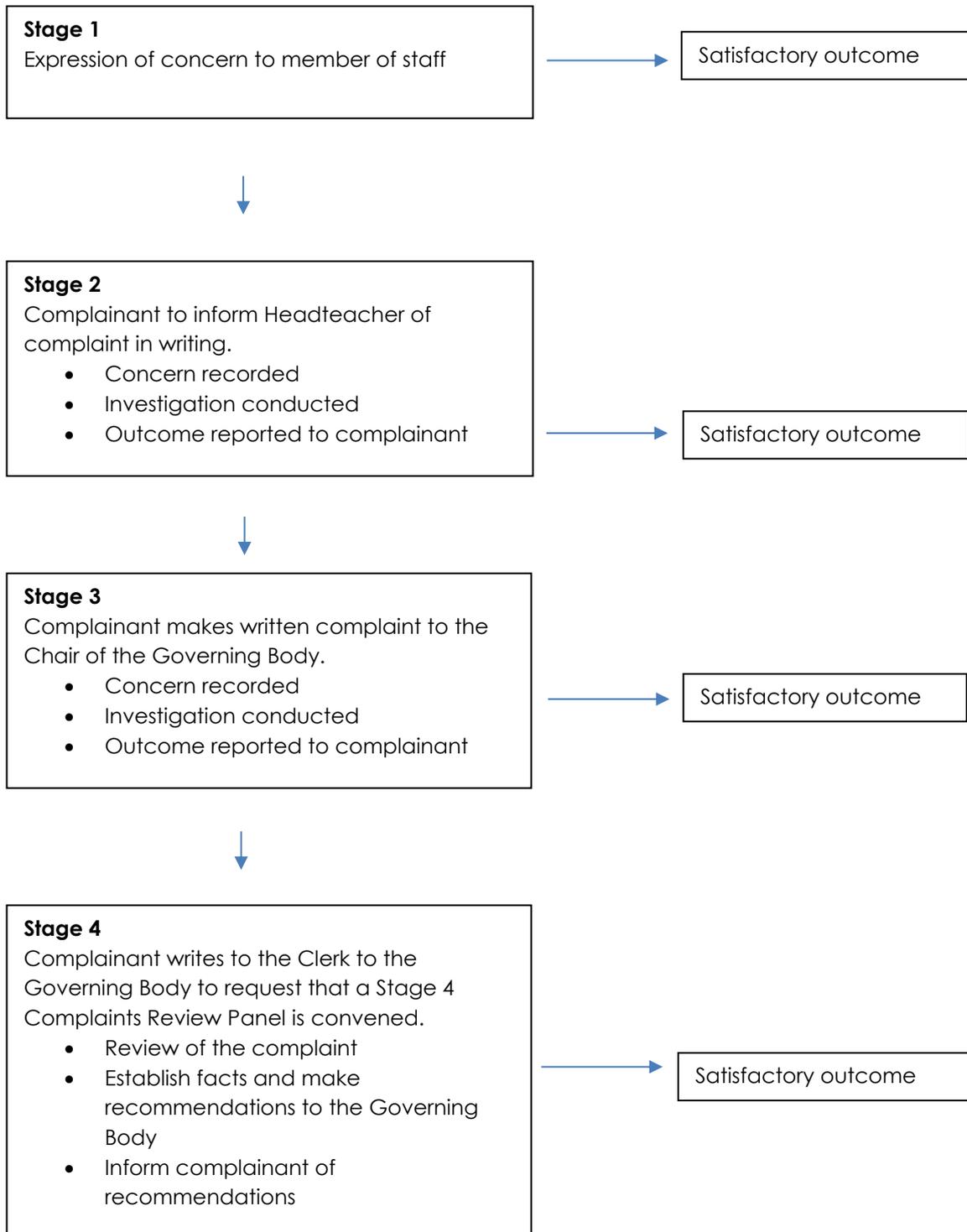
### **Respect and Courtesy**

Respect is one of the four cornerstones of our Learning Community. Therefore, in the same way that all staff and governors are expected to treat others with respect and courtesy, the school expects that complainants will also be respectful and courteous towards staff and governors. Complainants who are unduly rude or aggressive may find that restrictions on how they interact with staff and governors are imposed (see section 7).

## Flow chart

Procedure for dealing with general complaints

*If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.*



## **Stage 1 – Discuss concern with member of school staff**

### **1.1 Guidelines**

1.1.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or appropriate senior leader, e.g. Head of Year, Deputy Headteacher or the Headteacher.

1.1.2 If you raise a concern at this stage with a governor, the governor should refer you to the most appropriate member of staff and inform the Headteacher. Governors should not be involved in the early stages of complaints.

1.1.3 You should feel able to raise concerns with school staff without any formality, either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on your behalf and schools should be sensitive to the needs of individuals. At first, it may be unclear whether you are asking a question or expressing an opinion rather than making a complaint, therefore, you may wish to have a preliminary discussion about an issue to help decide whether or not you wish to take it further. Concerns should be raised in private, at an appropriate time and not when other parents, pupils or staff can overhear, otherwise it is difficult for the school to observe confidentiality.

1.1.4 Schools will act to ensure that the school remains a safe place for students, staff and members of the community. Abusive, threatening or violent behaviour will not be tolerated and people behaving in this way will be removed from the site and risk prosecution.

### **1.2 Procedure**

1.2.1 You should be given an opportunity to discuss your concerns privately with the appropriate member of staff who can clarify the nature of your concern. The staff member should reassure you that the school wants to try and resolve the matter. It may also be helpful at this point to identify the outcome you are seeking.

1.2.2 In many cases, this will lead to immediate resolution of the issue but in some circumstances the staff member will need to have some time to investigate your concerns and get back to you.

1.2.3 The member of staff will ensure that appropriate action is taken to deal with the matter speedily - usually within five school working days. Staff will also notify the Headteacher that a concern has been raised.

1.2.4 Where the concern relates to the specific actions of a member of staff, you should initially meet with the Headteacher to discuss the problem (see Stage 2). In the rare circumstances where the complaint is against the Headteacher, then you should contact the Chair of the Governing Body via the school and proceed to Stage 3 of the process.

1.2.5 In most cases the member of staff who is dealing with the concern will respond to you verbally. This stage of the process seeks to resolve your concern as informally as possible. A written response will only be provided if this seems to be the best way of making the process or the outcome clear.

1.2.6 Where a response (verbal or written) has been received, but is considered to be unsatisfactory, then you should inform the Headteacher within ten school working days that you wish your concern to be considered further (Stage 2).

## **Stage 2 – Consideration by the Headteacher (or other appropriate person)**

### **2.1 Guidelines**

2.1.1 As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of the Complaints Procedure, including decisions about their own involvement at the various stages. This has the benefit of allowing different points of view to be considered and alternative approaches or solutions to be taken into consideration by the Headteacher.

2.1.2 Headteachers will need to make arrangements to ensure that their involvement does not dominate every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher makes contact with complainants at Stage 2. The Headteacher may decide to delegate the investigation of a complaint to a senior member of staff.

2.1.3 If your complaint is about the conduct of the Headteacher, then you must contact the Chair of the Governing Body who will initiate Stage 3 of the Complaints Procedure.

### **2.2 Procedure**

2.2.1 Stage 2 complaints should be in writing unless you are unable to express the complaint in writing.

2.2.2 Your letter should be acknowledged in writing within three school working days of receiving the complaint. The acknowledgement will include a copy of the school's complaints procedure and a target date for providing a response to your complaint. This will normally be within ten school working days. Where this is not possible, a letter will be sent explaining the reasons for the delay and giving a revised target date.

2.2.3 The Headteacher (or designated member of staff) will normally offer an opportunity for a parent of a pupil at the school to meet with him/her to discuss their concern and supplement any of the information provided previously. This may not always be necessary for complainants who have stated their concern in writing or by telephone or email. If you want a meeting with the Headteacher you should request this. The Headteacher may choose to be accompanied in the meeting if appropriate.

2.2.4 If you meet with the Headteacher, a note taker may also be present to record the main points of the discussion. You may, if you wish, be accompanied to this meeting by a friend, relative, representative or advocate who can speak on your behalf. You must, however, inform the school whom you intend to bring to the meeting. The school should facilitate interpreting facilities, if required, provided that you give notice of your requirements.

**N.B. If the complaint relates to a child protection concern there is a different set of procedures, which MUST be followed.**

2.2.5 Once all relevant facts have been established, the Headteacher will then write to you and may wish to meet you to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve your complaint (see 'Resolving Complaints' on Page 5).

2.2.6 Should you consider the written response to be unsatisfactory, you may inform the Clerk of the Governing Body, within ten school working days, that you wish your concern to be considered further (Stage 3).

## **Stage 3 – Consideration by the Nominated Governor(s)**

### **3.1 Guidelines**

3.1.1 If a complaint is about the conduct or actions of the Headteacher, or if the Headteacher has been unable to resolve the issues to your satisfaction you should complete the Stage 3 Complaint Form available from the school office and/or website. Assistance with this is available from the school.

3.1.2 The Chair of the Governing Body will decide who will investigate your complaint at Stage 3 and may choose to delegate the management of the complaint to the Nominated Governor(s). The Nominated Governor(s) will investigate your concerns in detail and make recommendations to the school. This person will be precluded from reviewing the complaint at Stage 4. One of the reasons for having the Nominated Governor(s) at this stage in the complaint procedure is to reassure you that an impartial person is carrying out the investigation.

3.1.3 The Nominated Governor(s) will follow the West Sussex County Council guidelines and general principles to ensure consistency and fairness. The Nominated Governor(s) will be objective and impartial and you should trust them to do everything they can to resolve the complaint. It should be noted that governors are volunteers and not normally education experts. They have to fit in their governor duties around their own work and personal commitments. They will, however, have a good knowledge of the school and will be focussed on delivering good 'customer care'.

3.1.4 The Nominated Governor(s) should be in a position to prioritise the investigation at this stage to ensure its timely resolution. Governors have a responsibility for implementation of the school's complaints procedure and are acting on behalf of the full Governing Body in this regard.

3.1.5 The school may notify West Sussex County Council of any complaint reaching this stage. West Sussex County Council will ensure that the Nominated Governor(s) receives appropriate guidance and support.

3.1.6 Governors know that this is a confidential process and will not share information with parties other than those directly involved with the complaint - this includes other governors who may have to be involved at a later stage. You should not attempt to involve other governors in your complaint as this may compromise their objectivity in taking part in any Stage 4 Complaint Review Panel.

3.1.7 Governors are mindful of the Data Protection Act and will not disclose personal information relating to third parties, e.g. other pupils, parents and staff.

3.1.8 Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 is the final stage of the complaints procedure. It is recommended that two governors, with no previous involvement in the matter, undertake the internal review and ensure that the complainant is provided with details of next steps i.e. that if the complainant remains dissatisfied following the internal review, they have access to further action via the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)).

### **3.2 Procedure**

3.2.1 You should complete the school's Stage 3 Complaint Form (available at the back of this policy) in order to clarify the individual aspects of the complaint and/or to highlight any

outstanding issues unresolved at Stage 2. The form should be sent to the Clerk of the Governing Body who will forward your complaint to the Chair. The Chair of Governors will either investigate your complaint personally or nominate one or more Governors to do so.

3.2.2 The Nominated Governor(s) will acknowledge receipt of the form in writing to you within five school working days and give you a target date for providing a response (this will normally be within ten school working days of receipt of the complaints form). Where this is not possible, a letter will be sent to you explaining the reasons for the delay and revising the target date.

3.2.3 At this stage, the Nominated Governor(s) should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation.

3.2.4 You may, if you wish, be accompanied to the meeting by a friend, relative, representative or advocate. You must inform the school whom you intend to bring to the meeting. The school should support you in seeking interpreting or advocacy services if they are required. You should request assistance well in advance of the meeting.

3.2.5 The Nominated Governor(s) may choose to interview a student or students as part of their investigation. This will only occur with prior permission from those with parental responsibility and in the presence of a mutually acceptable adult (e.g. parent, carer or member of school staff).

3.2.6 It is important for the Nominated Governor(s) to remain as objective as possible whilst conducting the investigation. Any correspondence or written statements from previous stages of the complaint will be made available to the Nominated Governor(s). The Nominated Governor(s) should then discuss the issues with the Headteacher and/or other members of staff. On the basis of the written evidence and discussions, the Nominated Governor(s) may require the Headteacher to obtain further evidence or statements. The Headteacher's investigation notes may be covered by the Data Protection Act 1988 and may not be available to you.

3.2.7 Once all the relevant facts have been established, the Nominated Governor(s) will produce a written response to the complainant. The Nominated Governor(s) may also wish to meet with you to discuss the findings and resolve the matter directly. A written response should include a full explanation of the decision and the reasons for it. Where appropriate, this will include the action the school will take or has taken to resolve your complaint (see 'Resolving Complaints' on Page 5).

3.2.8 Should you have concerns with regards to how your complaint has been handled at Stage 3, you may inform the Clerk of the Governing Body, within ten school working days of receipt of the written response, that you wish your concern to be considered further (Stage 4).

## **Stage 4 – Consideration by a review panel of Governors**

### **4.1 Guidelines**

4.1.1 Complaints rarely reach this stage. All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at Stage 2 or the investigation by the Nominated Governor(s) at Stage 3. It is not possible to go straight to Stage 4 in this procedure. Stages 1 to 3 must first have been completed in order to try and achieve a resolution.

4.1.2 A Complaint Review Panel of three governors, with no prior knowledge of the complaint, will be convened to review the matter in detail. The Complaint Review Panel will normally invite you, the Headteacher and the Stage 3 Nominated Governor(s) to attend the meeting to explain their actions. If you choose to decline this invitation or fail to attend, the review may go ahead in private (without all invitees) using only the written evidence.

4.1.3 It is important that complainants understand that a Complaint Review Panel of governors is both independent and impartial; they will aim to demonstrate this at the hearing. The Complaint Review Panel are advised to consider including a governor from another school, to help to increase confidence in the Stage 4 process.

4.1.4 If the Complaint Review Panel believes that the procedure has not been correctly followed, or that the evidence does not support the conclusion taken at Stage 3, or that the process was flawed in some way, then it can uphold the complaint and direct the school to re-investigate the matter. The Complaint Review Panel will not simply overturn the decision taken by the Headteacher or the Nominated Governor(s) because you do not agree with the outcome.

4.1.5 A Complaint Review Panel may fully or partially uphold a complaint or indeed overturn it. It will provide reasons for its decision in writing.

4.1.6 Governors taking part in Complaint Review Panels need to be able to consider the complaint in an objective manner. Legally speaking, prior knowledge of the complaint, or of the general situation leading up to the complaint, does not preclude a governor from taking part in a review. However, some complainants are less confident with the composition and objectivity of the Complaint Review Panel if some or all of its members have prior knowledge of the details. Ultimately the ability to remain objective is a matter for both the individual panel member and the Governing Body to decide.

4.1.7 In the interests of equality and fairness complaint reviews should normally be held at a time and venue which is mutually convenient for all parties to attend. This may be at the school, in which case sufficient time should be allocated and attention to comfort and confidentiality should be given. In some cases, other public buildings may be used to hear complaints.

4.1.8 All Stage 4 decisions will be communicated in written format after the hearing. If you require assistance in accessing the decision, the school will make sure you are given assistance and support, providing you let them know you will need this.

### **4.2 Procedure**

4.2.1 You should write to the Clerk of the Governing Body requesting that your complaint is reviewed by a Complaint Review Panel. Following your request, the procedures outlined below will be followed:

- The Clerk to the Complaint Review Panel (usually the Clerk to the Governing Body) should write to you to acknowledge receipt of the written request **within five school working days**. The acknowledgement will inform the complainant that a Complaint Review Panel will review the complaint ideally within thirty school working days of receiving your request, unless there are exceptional circumstances.
- The letter will also explain that both you and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send further documentation to the Clerk to the Complaint Review Panel at least **ten school working days** before the review meeting. All concerned, including you, should receive any relevant documents at least five school working days prior to the review meeting. Only in exceptional circumstances will new evidence be accepted after this time and this is at the discretion of the Chair of the Complaint Review Panel.
- The date, time and venue should be at convenient time for all parties. Up to three possible dates should be offered to you, but if these all fail to be suitable then the review might be conducted in private. This will involve detailed consideration of all the written evidence by the Complaint Review Panel but will not require your attendance or that of the Stage 3 Nominated Governor(s) and the Headteacher. The Clerk to the Complaint Review Panel will be in attendance to minute the proceedings.
- You should be notified in writing of your right to be accompanied to the review meeting by a friend/advocate/interpreter. The letter should also explain that the meeting will be conducted in line with the guidelines Guidance for Conduct of a Complaint Review Panel.
- The Complaint Review Panel may request that members of staff produce a written report, if appropriate. The panel will not interview children or invite students as witnesses to the review meeting.
- It is the responsibility of the Chair of the Complaint Review Panel to ensure that the Clerk to the Complaint Review Panel properly minutes the meeting and that the minutes are distributed to all parties involved at Stage 4. Please note that the minutes are the property of the governing body.

4.2.2 The aim of the meeting will be to review how the school has managed the complaint and, if possible, to achieve reconciliation between you and the school. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action in order to satisfy you that your complaint has been taken seriously.

4.2.3 At the conclusion of the meeting, the Chair of the Complaint Review Panel should explain that the panel will consider its decision and write to all parties with the outcome of the review within seven school working days.

4.2.4 A report and any recommendations will be made to the school's Governing Body at the next full meeting.

4.2.5 A written statement outlining the decision of the Complaint Review Panel will be sent to you and the Headteacher.

### **4.3 Guidance for conduct of a Complaint Review Panel**

4.3.1 The Chair of the Complaint Review Panel will invite everybody into the room at the same time. He/she will facilitate introductions and clarify roles.

4.3.2 The Chair of the Complaint Review Panel will explain to all present the purpose of the meeting, which is to:

- Review evidence and outcomes from Stages 1 to 3
- Evaluate whether the school has followed its policies and procedures
- Consider ways to achieve reconciliation between the school and the complainant

4.3.3 The Chair of the Complaint Review Panel will then outline the procedure for the meeting. He/she should listen to any concerns about the procedure, but has the final decision about the arrangements:

- The complainant will outline their complaint
- The Headteacher will be given the opportunity to seek clarification from the complainant
- The panel may seek clarification from the complainant
- The Headteacher and the Nominated Governor(s) (Stage 3) will state the school's case
- The complainant will be given the opportunity to seek clarification from the Headteacher and/or Nominated Governor(s)
- The panel may seek clarification from the Headteacher and/or Nominated Governor(s)
- The Headteacher and/or Nominated Governor(s) will be given the opportunity to summarise their position
- The complainant will be given the opportunity to summarise why they feel the school has not properly addressed their complaint
- The meeting will then close and the panel will then deliberate. The Clerk to the Complaint Review Panel may remain to offer procedural advice.

4.3.4 The Complaint Review Panel will then arrive at its decision. This will cover:

- Whether the complaint has been properly handled during previous stages
- If not, whether a new Stage 3 investigation is to be carried out
- If so, whether any adjustments to the Stage 3 conclusions are necessary

The decision will be notified to all parties, in writing, within seven school working days.

## 5. Next Steps

5.1 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, they can contact the Department for Education after they have completed all above stages.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://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.

## 6. Complaints about School Governors

### 6.1 Guidelines

6.1.1 Complaints about individual governors are relatively rare. They generally relate to the conduct of a governor within a school, or whilst on school business; they may include breaches of policy or confidentiality.

6.1.2 Complaints about the conduct of governors outside of school, in a private capacity, **do not fall within the remit of this policy.**

6.1.3 The same good practice principles, already set out in this guidance, apply to the management of complaints about individual governors. A two-stage procedure is recommended and this should be managed by the Chair of the Governing Body in person, or in the event of the complaint being about the Chair of the Governing Body, by the Vice Chair of the Governing Body.

6.1.4 The Chair of the Governing Body must be impartial, objective and rigorous in their investigation of complaints about a fellow governor and demonstrate this to be the case. It is important that detailed notes are kept and timescales are adhered to.

6.1.5 The Clerk to the Governing Body is responsible for the administrative support and general advice, as with other school complaints.

### 6.2 Procedure

6.2.1 You should present your complaint either verbally or in writing to the Chair of the Governing Body. If you require assistance, the school will facilitate this.

6.2.2 The Chair of the Governing Body will acknowledge receipt of the complaint in writing within three school working days and provide you with a target date for providing a response.

6.2.3 The Chair of the Governing Body should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation. Meeting notes may be taken either by the Clerk to the Governing Body or the Chair of the Governing Body.

6.2.4 The Chair of the Governing Body will then begin their investigation of the key issues. Please note that students will not be interviewed by governors.

6.2.5 The Chair of the Governing Body will report their findings and any recommendations to you in writing (and verbally if they feel this is necessary); this will usually be within ten school working days. The Chair of the Governing Body will give reasons for the decision to uphold, partially uphold or overturn the complaint. If there is good reason for any delay, the Chair of the Governing Body will notify you, giving you a revised target date for the completion of their investigation.

6.2.6 If you are not satisfied with the Chair of the Governing Body's response, then you should request a review of how the complaint has been managed within ten school working days of receipt of the response.

6.2.7 The Clerk to the Complaint Review Panel will write to you to acknowledge receipt of the written request within five school working days. The acknowledgement will inform you that a Complaint Review Panel of three governors will review the complaint within thirty school working days of receiving the request, unless there are exceptional circumstances.

6.2.8 The Clerk to the Complaint Review Panel should convene a panel of three governors who have not previously been involved in the complaint. It would be usual for the Vice Chair of the Governing Body to be involved at this stage. If there are insufficient governors at the school who are available and impartial then West Sussex County Council will, in exceptional circumstances, facilitate up to two governors from another local school to sit on the panel.

6.2.9 A governor's impartiality is a matter for the individual and/or the governing body to decide. Prior knowledge of an issue does not automatically deem a person ineligible to sit on a Complaint Review Panel. Department for Education (DfE) advice is that a governor may still be able to apply objectivity to a situation despite knowing the circumstances and the individuals concerned. West Sussex County Council has no remit to hear complaints against governors.

6.2.10 A further letter will explain to you the right of all parties to submit documentation relevant to the complaint. Three possible dates should be offered to you, but if these are unsuitable then the review may be conducted in private by the Complaint Review Panel. The Clerk to the Complaint Review Panel should be present to advise on procedure, record the discussion and record the decision; the Clerk to the Complaint Review Panel will also produce the final letter to the complainant.

6.2.11 If the Chair of the Governing Body (at Stage 1) or the review panel (at Stage 2) upholds the complaint, and feels that further action against a governor is required, this will be discussed with the full governing body as a confidential item (Part Two Business) and appropriate sanctions will be implemented. This matter will be subject to the Data Protection Act and will not be reported in the public domain.

## **7. Unreasonably persistent complainants and unreasonable behaviour**

The 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.

The 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 that 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.

Complainants should try to limit 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.

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

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 the school, as detailed in our "Dealing with Unacceptable Behaviour Directed towards Members of the School Community" policy.

## **8. Timescale for making a complaint**

8.1.1 It is in the interests of all parties that concerns are raised as soon as they occur. The school will investigate and review complaints up to six months after the event. Headteachers and governors are better able to undertake a thorough and fair investigation when the evidence trail is still fresh.

8.1.2 If parents wait to make a complaint until after their child has left the school, they should be aware that the child's student file will have been passed onto the next school, if they are still of statutory school age. The Headteacher will therefore have a very limited amount of information available on which to pursue their investigation.

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

## Template Complaint Form

Imberhorne School Formal Complaint Form

Please complete and submit either by email or by post, marked Private & Confidential, to the Headteacher (Stage 2, lwalker@imberhorne.co.uk) or the Clerk of the Governing Body (Stage 3 or 4, clerk@imberhorne.co.uk ), who will acknowledge receipt and explain what action will be taken.

Your name: \_\_\_\_\_

Student's name: \_\_\_\_\_

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Email address:

Please give details of complaint:

What action, if any, have you already taken to try and resolve your complaint?

Who did you speak to and what was the response?

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

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*Official use only*

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: