

## **Christ Church School, Hampstead Complaints Policy**

This policy was written using guidance provided by Camden Local Authority (model complaints policy 2016), the LDBS (Guidance on parental complaints, 2014) and the DfE School Complaints Procedure toolkit (2011). It meets the statutory requirements that Governing Bodies of all schools are required to have in place a procedure to deal with complaints (Education Act 2002) and that this procedure should be publicised (Freedom of Information Act 2000).

This policy was written by the Governing Body and Head teacher in order to provide an open, consistent and fair system for dealing with complaints made by parents, staff, pupils (through their parents), visitors or others who have dealings with school.

### **Values and principles underpinning this policy**

At Christ Church School we value the vital links between school and home and the school and the wider community and we understand that working together as far as possible in all that we do will be to the common good of the children at the school.

A school is a busy place where there are many interactions between pupils, parents, carers, staff and visitors as part of the every day life of the school. We have an ethos of respecting the rights of all members of the school community and as part of our curriculum teaching we work to instil this in the children. From time to time something may go wrong, or there may be things that we can do better. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible.

We know that a willingness to listen to criticism and challenge and to respond positively to these is the sign of an effective and improving organisation. We understand that all members of the school community are entitled to their points of view. Where complaints are upheld we are committed to taking any action to rectify the situation and to prevent any reoccurrence. We recognise that constructive feedback will help our school to improve.

We are committed to investigating and resolving complaints with due urgency and thoroughness, with a consistency of approach and with regard to equal opportunities at all times. We recognise that some people find it difficult to articulate their feelings and concerns and would take steps to allow them to do this. We would always seek to ensure that all parties hold a shared understanding of the nature of the complaint. We recognise that unresolved complaints can result in an unhealthy atmosphere and possible conflict and seek to avoid this at all times.

At Christ Church School, we are committed to resolving concerns in as informal a manner as possible, however we recognise that, in appropriate circumstances, there is a place for the more formal procedures set out in this policy.

## **Who is responsible for different complaints and what does this Policy cover?**

The kinds of issues that might lead to a formal complaint being made to the school may include:

- Matters relating to school management
- Staff conduct
- Teaching and learning
- Pupil behaviour or bullying
- The school environment
- Decisions about exam entries
- Discrimination

In each of the cases above the responsibility for action lies with the school and Governing Body. In some cases a complaint may lead to a disciplinary procedure or an appeal against a decision in which case it may be appropriate for the issue to be dealt with through a different process separate from the complaints procedure.

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

- Complaints about statutory assessments for children with special educational needs
- Grievance or disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint)
- Matters likely to require a Child Protection investigation
- Admissions and exclusions
- Provision of collective worship and religious education
- Curriculum complaints
- Whistleblowing
- Complaints about other providers who may use school premises or facilities

Complaints related to these areas are not dealt with through this school Complaints Policy.

If at any stage of the process, a party starts legal action in relation to the matters under consideration, the complaints process will automatically cease and all further correspondence will be with the School's legal team.

### **Resolving issues and complaints**

This policy does not seek to replace the normal, day-to-day discussions which take place when someone has a problem or concern about a matter relating to the school. These are not regarded as 'complaints' in the formal sense. This policy sets out the procedures to be adopted when someone is dissatisfied with the outcome of these discussions, i.e. when a concern may become more serious and be a clear statement of dissatisfaction. This policy also provides the school with the means to identify an area of concern at an early stage and to tackle it quickly and effectively.

We see it as important to try and reach an early resolution with complainants. This not only promotes closure in the matter but also enables parents and teaching staff to move forward constructively. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better

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

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

- There is insufficient evidence to reach a conclusion, so that that complaint can not be upheld.
- The concern is not substantiated by the evidence and therefore the complaint is not upheld.
- The concern was substantiated in part or full. Some details may then be given of action the school may be taking to review procedures etc but details of the investigation will comply with the Data Protection Act.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential under the Data Protection Act (e.g. where staff disciplinary procedures are being followed).

General principles in dealing with complaints

When we receive a complaint, we will try to:

- Discuss the complaint with the complainant.
- Establish what has happened and who was involved – clarify the details.
- Discover what the complainant feels would remedy the situation.
- Interview those involved – allow them to be accompanied if they wish.
- Approach any interviews/investigations with an open mind – and keep notes
- Respond within the given timescales. If we are unable to fully respond within the specified time scales, we will inform the complainant before the deadline, giving a reason and a new deadline for reply.
- Respect confidentiality with only those with a need to know being made aware of the complaint and process

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

## **Timing**

It is in the interests of all parties that any concerns or complaints are raised as soon as is practicable after they occur. It is reasonable for schools to consider complaints up to three months after the event or three months after the event became known to the complainant. However, exceptions will be considered.

Whilst there is no requirement for schools to consider parental complaints once their child is no longer a pupil at the school, consideration may be given should a complaint be underway prior to their departure. Parents wishing to make a complaint after their child has left the school should be aware that the child's file will have been passed to the next school and therefore on these occasions the head teacher will have limited information on which to base an investigation.

## **Procedures for dealing with complaints at Christ Church School**

It is normal for each stage in the complaints procedure to be completed before moving on to the next. In exceptional circumstances the Head teacher, in consultation with the Chair of Governors, may decide to omit a stage or escalate the complaint. If the subject of the complaint would normally be involved in the complaints procedure, the complaints procedure would be followed with other suitable people fulfilling their roles in the process (e.g. if the Head teacher is the subject of a complaint, the Chair of Governors or nominated representative would fulfil their role in the complaints process).

At any stage of this complaints procedure the school's representatives would be willing to consider mediation, if appropriate, rather than moving on to the next stage of the procedure.

Also, in exceptional circumstances, the headteacher may commission an independent investigator, with enhanced CRB clearance, to undertake an investigation on behalf of the school. On those occasions, the school may seek advice from the Local Authority on how to arrange this.

The flow chart at Appendix A sets out a summary of the stages of the complaints procedure.

### Preliminary Stage – Informal

Most concerns about the school can be resolved by class teachers or other appropriate members of staff, in an informal manner. Staff at Christ Church should always respond courteously to concerns, give ample time to listen to them, take these concerns seriously and act quickly. There is no need at this stage for any written record to be made, by the complainant or member of staff, though it is good practice for staff to make a note of any communication with parents.

Examples of opportunities at Christ Church School for concerns to be raised in this way include conversations between staff and parents in the playground before or after school, meetings set up by staff or parents to discuss concerns in more depth and parents evenings. The Head teacher is also available to meet with parents or others in the wider community, either informally before or after school or by making an appointment. Staff should always be willing to make an appointment to meet with anyone with a concern to give more time to discussion. It may be helpful to identify at this point what sort of outcome the complainant is looking for in order to tackle minor concerns quickly and effectively.

However, staff should be mindful of where and when they meet and keep in mind their own safety and security at all times.

A response to any concerns will always be given within at least 15 school working days of the initial concern being raised. The response can be oral or in writing, as deemed appropriate to the situation. As part of the response, the complainant should be advised of the next stage of the procedure in case they are not satisfied with the outcome.

A complainant's unreasonable refusal to attempt a local resolution may result in the procedure being terminated and this will be confirmed in writing.

If it becomes clear that the complainant is not happy with the response to the concern they have raised or if the member of staff would like the protection of the formal complaints procedure, they should advise the complainant that they should put their complaint in writing

and make the complainant aware of this policy. Impartial help (or advice about where to seek help) will be given to record the complaint in writing, where appropriate.

If a complainant wishes to put their complaint in writing and move to the formal stages of the complaints procedure they must do so within ten school working days of receiving any response from the informal stage of the complaints procedure. It is not appropriate for a complaint to be pursued after a long lapse of time.

#### Stage 1 – Formal complaint to the Headteacher

If a written complaint is received by the Head teacher, it should be acknowledged within two school days and the complainant told that the matter will be investigated and a written response given within twenty further school days. The complaint may be recorded on the school complaints form (Appendix B).

If a Stage 1 formal complaint is at the complainant's request, following an informal preliminary response, the written complaint must be made within 10 school working days following the preliminary informal response.

Where appropriate, the head teacher should provide the complainant with the opportunity to meet to discuss the complaint further and the complainant's desired outcomes and it is reasonable to allow a friend or advocate to accompany the complainant to the meeting if they so wish.

The Head teacher will then investigate the complaint, talking to people involved.

Notes will be kept of all communications with the complainant and careful written records will be made of any investigations made, including signed and dated statements and interview records, where appropriate. Pupils may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the pupil feels comfortable should be asked to attend. Confidentiality should be appropriately maintained and the requirements of the Data Protection Act borne in mind.

Following the completion of all appropriate investigations, the head teacher will respond in writing to the complainant, with all appropriate information in relation to the complaint and information on any outcome(s).

The response should also inform the complainant of the next stage of the procedure in case they are not satisfied with the response.

If the complainant is dissatisfied with the response made by the Head teacher (or the way the complaint has been dealt with), they will then be advised to make a written complaint to the Chair of Governors. This should be received by the Chair of Governors within ten school working days of receipt of the Head teacher's response.

Should the complaint be about the head teacher or if the head teacher has already had extensive involvement at the informal stage, it may be prudent to refer the complaint directly to the Chair of Governors to be dealt with at Stage 2. However it is obviously desirable for the head teacher to continue to attempt to resolve the issue at this stage if possible.

#### Stage 2 – Formal complaint to the Chair of Governors

If the Chair of Governors receives a written complaint they will consult with the Head teacher to ensure that the informal stages and the first formal stage of the complaints procedure have been exhausted. At Christ Church School we will make every effort to resolve the complaint either in an informal way or following a response from the Head

teacher. However, there may be circumstances when this stage of the complaints procedure is appropriate.

The Chair of Governors will acknowledge receipt of the written complaint within two school days, explaining that the matter is being investigated and that a written response will be given within fifteen school working days. The Chair of Governors will then investigate the complaint, keeping careful written records, collecting signed and dated written statements where appropriate and paying strict attention to confidentiality. Pupils will be interviewed only in exceptional circumstances where there have been no adult witnesses or where the matter is considered serious enough. Parental permission will always be sought beforehand.

The Chair of Governors will also discuss with the complainant their desired outcome and any possibilities of redress.

Within twenty school working days, the Chair of Governors will send a written response to the complainant setting out the outcomes of any investigation and any decisions about changes to be made or possibilities of redress if it is felt that the complaint is upheld.

If the complainant is dissatisfied with the Chair of Governors' written response or with the way the complaint was dealt with at this stage, they will be advised to write to the Clerk to the Governing Body requesting that the complaint be considered by a Complaints Panel of the Governing Body. The request should be received by the Clerk to the Governing Body within ten school days of receipt of the Chair of Governors' written response.

### Stage 3 – Formal complaint to the Governing Body

Complaints rarely reach Stage 3, but Governing Bodies will be prepared to deal with them if necessary.

If the Clerk to the Governing Body receives a request for a Complaints Panel to hear the complaint and the previous stages of the complaints procedure have been exhausted, the Clerk will convene a meeting of a Complaints Panel within twenty school days, giving all parties at least ten school days' notice of the meeting. Written acknowledgement of the complaint should usually be made within two school working days of receiving the complaint.

It is important that the Governors' Complaints Panel should not only be independent, but be seen to be so. Individual complaints should not be considered by the full governing body in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue. A governors' complaints panel consisting of three members of the governing body, who have no prior knowledge of the issue, should be convened. A chair of this panel will be appointed by the Clerk to the Governing Body.

The Complaints Panel meeting will follow the procedures set out in Appendix C below (adapted from the LA Complaints Guidance 2016). In short, the Complaints Committee will examine any written evidence or question any witnesses produced by either party. Any parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages. The procedures will be kept as informal as possible and written records will be taken by the Clerk to the Governing Body or a nominated substitute.

The Complaints Panel will consider the complaint and any methods of redress, if appropriate, once the Head teacher and complainant have withdrawn. They will inform all parties of their decision in writing within ten school days. The Committee's decision is final and this is the final stage in the internal complaints procedure.

#### Stage 4 - Appeal to the Department for Education

If the complainant is still not happy by this stage, an appeal can be made to the Department for Education (DfE) on the following grounds:

- The governing body is acting or proposing to act unreasonably.
- The governing body has failed to discharge its duties under the 1996 Education Act.

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

#### **Advice relating to complaints**

The Complaints Liaison Officer at the Local Authority is available to advise complainants about the general complaints procedure being followed by schools.

The school may seek advice relating to complaints from any relevant authority such as the Local Authority or The London Diocesan Board of Education (Church of England).

#### **Serial and persistent complaints**

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

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

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

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

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

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

- directing the parent to a specific teacher or other member of staff as a contact point.
- responding to the complainant at specific intervals.

- informal or formal written warnings given as to future behaviour and the consequences of that behaviour.

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

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

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

### **Unreasonable Complaints**

It is not appropriate to make personal attacks on members of school staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution.

The school will not tolerate abuse in any form towards staff, pupils or governors.

A policy for unreasonable complaints is included as Appendix C. This policy defines what an unreasonable complaint is and how the school may respond to them. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. Actions may include banning an individual from the school.

Unreasonable complaints include what is sometimes referred to as vexatious complaints. A vexatious complainant is recognised in law as someone who raises a complaint without grounds in order to cause annoyance.

Appendix D sets out in more detail the school's policy for dealing with habitual or vexatious complainants; this is in line with the Local Authority's policy in this matter and advice would be sought at all stages from the LA's complaints adviser.

### **Governor Complaints**

Complaints regarding individual Governors should be made in writing to the Clerk to the Governors. Complaints made in this way will normally be investigated by the Chair of Governors, or the Vice-Chair if the complaint is in relation to the Chair of Governors. The timescales for response will be as in Stage 2 of the complaints process. If the complainant is not satisfied with the response, a Stage 3 panel composed of Governors will be convened to consider their appeal. The timescales followed will be as in Stage 3. In exceptional circumstances, the Chair or Vice Chair may commission an independent investigator or arrange for a panel of independent Governors to hear the Stage 3 complaint. Complaints regarding the conduct of a Governor in dealing with or investigating a separate complaint will not normally be considered as a separate complaint.

## **Curriculum complaints procedure**

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

Complaints about the Local Authority's powers or functions need to be considered only by the Local Authority and should be addressed directly to the Local Authority.

There is a separate complaint procedure for issues around curriculum complaints. Parents or pupils may use this procedure if they believe that either the Local Authority or the governing body are failing:

- To provide the National Curriculum in the school or for a particular child
- To follow the law on charging for school activities
- To offer only approved qualifications or syllabuses
- To provide religious education and daily collective worship
- To provide the information that they have to provide
- To carry out any other statutory duty relating to the curriculum, or are acting unreasonably in any of the above cases. The procedure is as follows:

### **Phase 1 – Informal**

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

### **Phase 2 – The Governing Body**

A referral to the schools governing body should be made and if necessary a complaints panel should be convened and the complaint investigated in the same way as described in Stage 3 of the School Complaints Procedure above. It may be more prudent that the Chair carry out an investigation or review.

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

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

### **Publication, monitoring and review of this policy**

This Complaints Policy is available on the school website or a hard copy is available from the school office. Details are also included in school prospectus.

The school and Governing Body will monitor complaints. Details included in any monitoring records are:

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

Complaints are recorded in a manner which indicates at which stage(s) of the procedure they have been considered, with the outcome for each stage listed as either upheld, not upheld or

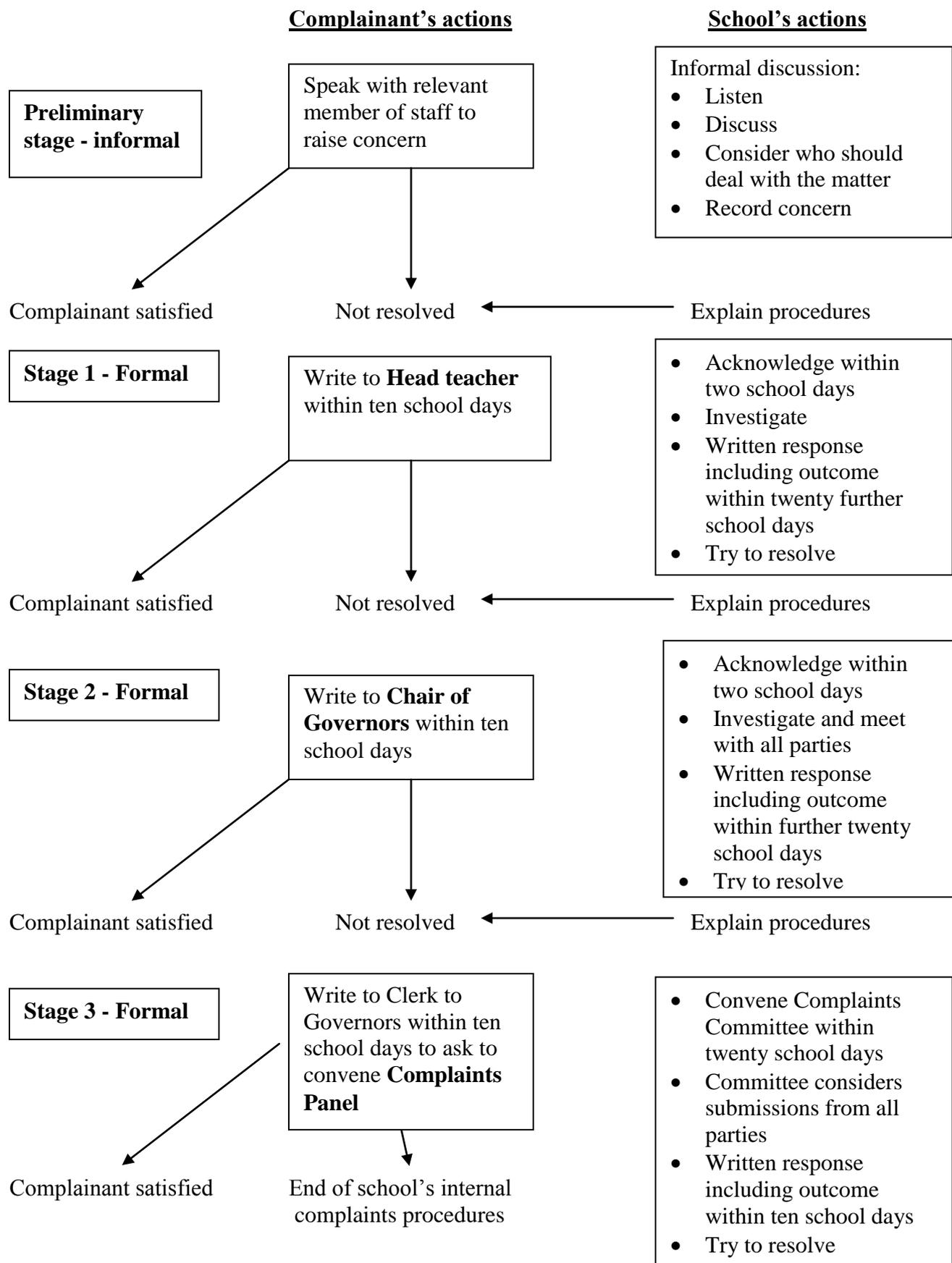
partially upheld. One complaint can have several stages each with a different outcome. There will also be an indication as to what the response time scale was (dependent on the stage) and whether or not the response time scales have been met.

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

This policy will be reviewed by the Governing Body at least every three years to ensure it is a reflection of current best practice.

Reviewed, amended and ratified by the Governing Body June 2016

**APPENDIX A**  
**Christ Church Complaints Procedure Flow Chart**





What do you think we should do?

Are you attaching any paper work? If so, please give details:

Your signature:

Date:

**Monitoring**

Are you:  Male  Female

Do you have a disability?  yes  no

**White**

- British
- Irish
- Greek or Greek Cypriot
- Turkish or Turkish Cypriot
- Albanian (excluding Kosovan)
- Kosovan
- Any other White background

*specify if you wish* .....

**Asian or Asian British**

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

*specify if you wish* .....

**Chinese**

- Chinese

**Mixed**

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background

*specify if you wish* .....

**Black or Black British**

- Caribbean
- African:**
- Nigerian
- Somali
- Congolese
- Any other African background

*specify if you wish* .....

**Any other ethnic category**

- Any other group

*specify if you wish* .....

**Please return this form to the school office**

Date received by school office: \_\_\_\_\_

## **APPENDIX C**

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

(from LA model complaints policy 2016)

#### **When should a complaints panel be convened?**

A panel will be convened if a complainant makes an appeal against a decision made by the head teacher or the Chair of Governors at Stage 2 of the school complaints procedure.

The complaint must be made in writing, outlining what action has been taken by the school so far and what desirable outcome the complainant would like. The complainant should state why the response made at Stage 2 was not satisfactory and what would satisfy their complaint.

#### **Acknowledgment**

Written acknowledgement will usually be made within 3 school days of the complaint receipt date.

The acknowledgement will inform the complainant that the complaint is to be heard by three members of the school's governing body within 20 school days of the complaint receipt date.

**The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to and seen by the three panel members.** 3 days before the hearing would be appropriate.

#### **The panel**

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

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

It is not appropriate for the head teacher to have a place on the panel. It may be helpful to have a governor who is also a parent on the panel, though if they know the complainant this could be counterproductive. Governors will be sensitive to issues of race, gender and religious affiliation.

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

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

The Chair will write and inform the complainant, head teacher, any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done as soon

as possible and will be done at least 5 school days in advance of the panel date. The Chair may delegate this task to the clerk to the panel.

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

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

### **Who should attend?**

The Chair will invite the head teacher and/or Governor who carried out the Stage 2.2 investigation to attend the panel meeting and they will prepare a written report for the panel in response to the complaint.

The head teacher may also invite members of staff directly involved with matters raised in the complaint to respond to the complainant directly either in writing or in person at the panel.

Any relevant documents for consideration at the panel (this includes the head teacher's report), should be submitted in order to be received by all concerned – including the complainant – at least 5 school days prior to the meeting.

The involvement of staff other than the head teacher is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that minutes of the meeting are properly recorded. Minutes will normally be taken by the clerk to the panel.

### **The meeting**

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

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

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

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

### **The process**

Any party has the right to call witnesses if applicable (subject to the approval of the Chair) and all parties have the right to question all the witnesses. However, **witnesses are only required to attend for the part of the hearing for which they give their evidence.**

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

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

### **The decision**

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

- Reach a unanimous, or at least a majority, decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the panel will be sent to the complainant within 15 school days. The letter to the complainant will explain whether a further appeal can be

made and, if so, to whom (ordinarily, the Department for Education). A copy will be provided to the head teacher.

Generally this would be the end of the governing body's involvement in the complaint process. However, the governing body might also consider an appeal if a complainant is able to demonstrate that new information or evidence has come to light which was not available at the time of the original complaint and which might significantly affect the findings of the complaints panel.

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

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

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

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

## **APPENDIX D**

### **Policy for unreasonable complaints (from LA model complaints policy 2016)**

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

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

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

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

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;

- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

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

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

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

This will usually be reviewed after 6 months.

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