

FULLBROOK

Responding to concerns about Fullbrook

Complaints Policy & Procedures -
Guidance for parents, carers and
members of the general public

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A Complaints Procedure For Fullbrook

This guidance and complaints procedure is intended to be a good practice guide that will apply to most general complaints received by Fullbrook.

The aim of this procedure is to seek a resolution to a complaint and restore positive relationships. In the case of parental complaints the aim should be to arrive at a resolution that is in the best interests of the pupil and must also take into account the interests and special educational needs of all pupils in the school.

The 2002 Education Act places a duty on school governing bodies to establish procedures for handling general complaints about their school. Academy schools must ensure these procedures are publicised to parents and others. It is the responsibility of the school to investigate and respond to complaints. The Local Authority (Surrey County Council) has no role, other than to provide procedural advice to complainants and schools, except in the circumstances outlined in the table on the next page.

The Area Education Office (AEO) Teams specialise in complaints handling advice and are available to the majority of schools who choose to purchase their service. You are entitled to basic procedural advice from the AEO Team but officers can only become involved in the resolution of the complaint at the request of the school.

Section 39(1) of the 1998 School Standards and Framework Act sets out specific instances where the Local Authority, or its agents, are required to investigate the concern in conjunction with the school (see table on page 4).

The Area Schools Support Service can be contacted via the Surrey County Council Contact Centre 03456 009 009.

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

Complaint by a member of school staff	School Grievance Procedure. For further information contact the school.
Academy School Admissions	Separate procedures apply – please see the schools website or contact Fullbrook.
Pupil Exclusion	Right to make representations about fixed term exclusion to Governors' Pupil Discipline committee. Where there is an unresolved dispute regarding a fixed term exclusion involving an allegation of disability discrimination the complainant has the right of appeal to First-Tier Tribunal (Special Educational Needs and Disability (SENDIST)). Right of review to independent panel for permanent exclusion. For further information contact the Exclusion and Reintegration Advisory Teachers via Surrey County Council Contact Centre 03456 009 009.
Freedom of Information & 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 a complainant has access to further action via the Information Commissioners Office (www.ico.org.uk) within timescale.
Child Protection/Safeguarding	Surrey Safeguarding Children Board procedures apply For further information contact Surrey County Council Contact Centre 03456 009 009.
Education Care and Health Plan of students with Special Educational Needs (SEN)	Local Authority assessment procedures apply if a parent requests an Education Care and Health Plan. For further information on disagreement resolution services see the Surrey SEND Local Offer at http://new.surreycc.gov.uk/schools-and-

	<p><u>learning/special-educational-needs-and-disability-send/our-local-offer-support-and-advice-for-children-and-young-peo</u> or contact the SEN Management Team via Surrey County Council Contact Centre 03456 009 009.</p>
<p>Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010.</p> <p>Protected Characteristics are:</p> <ul style="list-style-type: none"> • Disability • Gender reassignment • Pregnancy and maternity • Race • Religion or belief • Sex • Sexual orientation 	<p>The complaints procedure applies, but complaint has further right of appeal to SENDIST for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.</p> <p>The complaints procedure and the First-Tier Tribunal procedure can run in parallel.</p>

General Principles

The aim of these guidelines 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 governors. 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 Fullbrook 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 a 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 academy 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.

To comply with equalities legislation Fullbrook will 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.

The school's prospectus contains basic information on how to access the complaints procedure. The procedure is easily accessible and well publicised, e.g. via the school office and Fullbrook website

Fullbrook recognises that some people will need help in pursuing their complaint and consideration will be given to putting complainants in touch with a suitable agency which can help them.

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.

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 take into account confidentiality. You should feel confident that a complaint will not disadvantage your child.

Fullbrook is 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.

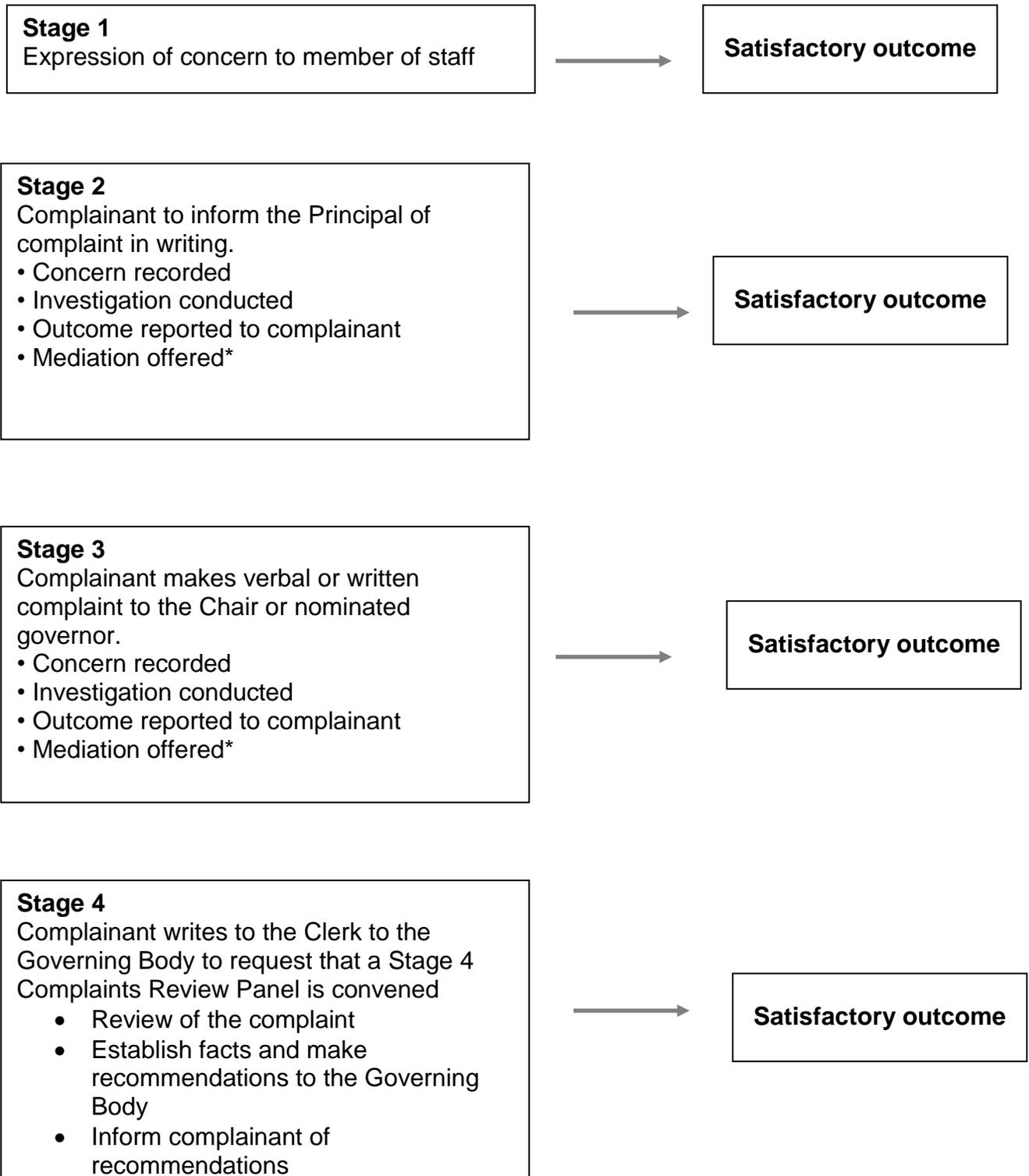
Further guidance on dealing with complaints can be provided by the Area Schools Support Service as part of their traded service to academy schools.

Anonymous complaints, whilst difficult to manage and resolve, will be recorded and referred to the Principal or Chair of Governors 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.

The Principal 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.

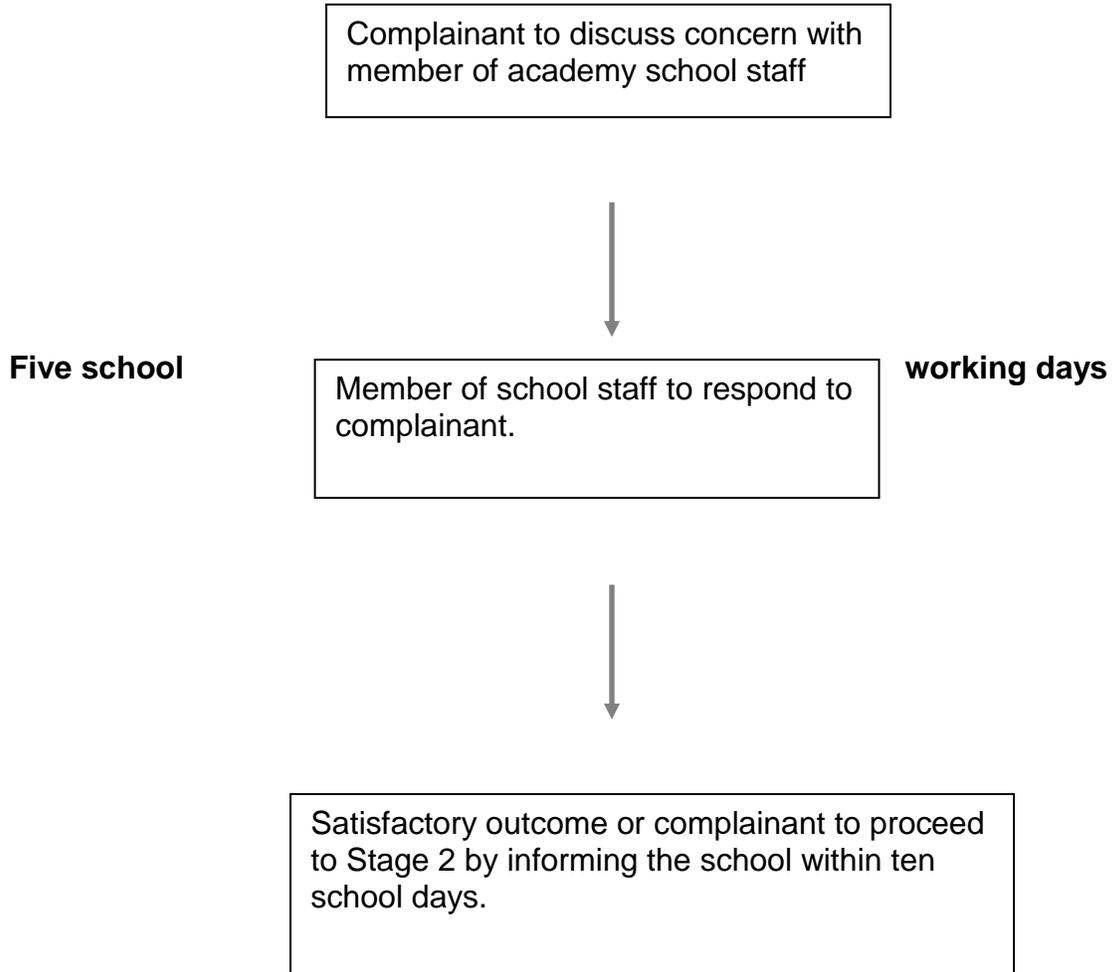
Procedure for Dealing with General Complaints



* Mediation is offered to schools that purchase the Area Schools Support Service

Stage One - Discuss concern with a member of school staff

1.1 Flow Chart



Stage One – Discuss concern with member of school staff

1.2 Guidelines

- 1.2.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or appropriate senior leader, e.g. Vice Principal or Principal.
- 1.2.2 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 Principal. Governors should not be involved in the early stages of complaints.
- 1.2.3 You must 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 behalf of a complainant and Fullbrook 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.
- 1.2.4 Fullbrook will act to ensure that school remains a safe place for pupils, 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.

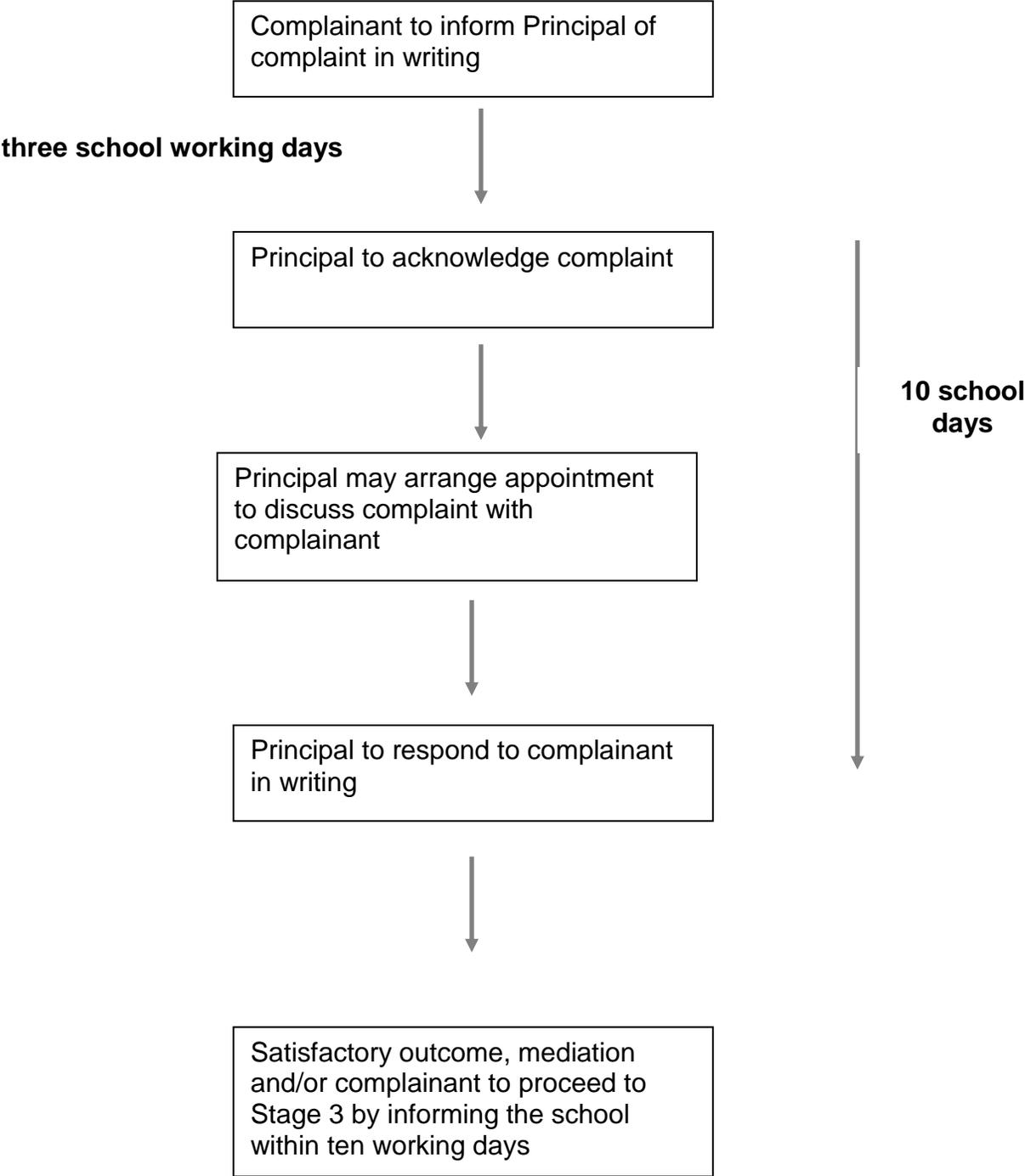
Stage One – Discuss concerns with member of school staff

1.3. Procedures

- 1.3.1 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.
- 1.3.2 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.
- 1.3.3 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 Principal that a concern has been raised.
- 1.3.4 Where the concern relates to the specific actions of a member of staff, you should initially meet with the Principal to discuss the problem (see Stage Two). In the rare circumstances where the complaint is against the Principal, then you should contact the Chair of Governors via the school and proceed to Stage Three of the process.
- 1.3.5 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.
- 1.3.6 Where a response (verbal or written) has been received but is considered to be unsatisfactory, then you should inform the Principal **within ten school working days** that you wish your concern to be considered further (Stage Two).

Stage Two- Consideration by the Principal (or other appropriate person)

2.1 Flow chart



Stage Two – Consideration by the Principal

2.2.Guidelines

- 2.2.1 Principals have responsibility for the day-to-day running of their schools. They also 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 Principal.
- 2.2.2 Principals 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 Principal makes contact with complainants at Stage 2. In larger schools the Principal may decide to delegate the investigation of a complaint to a senior member of staff.
- 2.2.3 If your complaint is about the conduct of the Principal then you must contact the Chair of Governors who will initiate Stage 3 of the complaints procedure.

Stage Two – Consideration by the Principal

2.3. Procedures

- 2.3.1 Stage 2 complaints should be in writing unless you are unable to express the complaint in writing (in which case advice is available from the Area Schools Support Service).
- 2.3.2 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** of meeting with you. Where this is not possible, a letter will be sent explaining the reasons for the delay and giving a revised target date (if you need help understanding the letter contact the school or the Area Schools Support Service).
- 2.3.3 The Principal (or designated member of staff) will normally offer an opportunity for a parent of a pupil at Fullbrook to meet with him/her to discuss their concern and supplement any of the information provided previously. This may not always be necessary for other complainants who have stated their concern in writing or by telephone or email. If you want a meeting with the Principal you should request this.
- 2.3.4 If you meet with the Principal a note taker (not a governor) may be present to record the main points of the discussion; they will let you have a copy of the notes. 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 and in what capacity they are attending the meeting e.g. friend, interpreter etc. 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 (Surrey Safeguarding Children's Board Procedures)

- 2.3.5 Once all relevant facts have been established, the Principal 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.
- 2.3.6 Where the Principal considers that disciplinary action, for either a staff member or a pupil is required, you will be informed that appropriate action

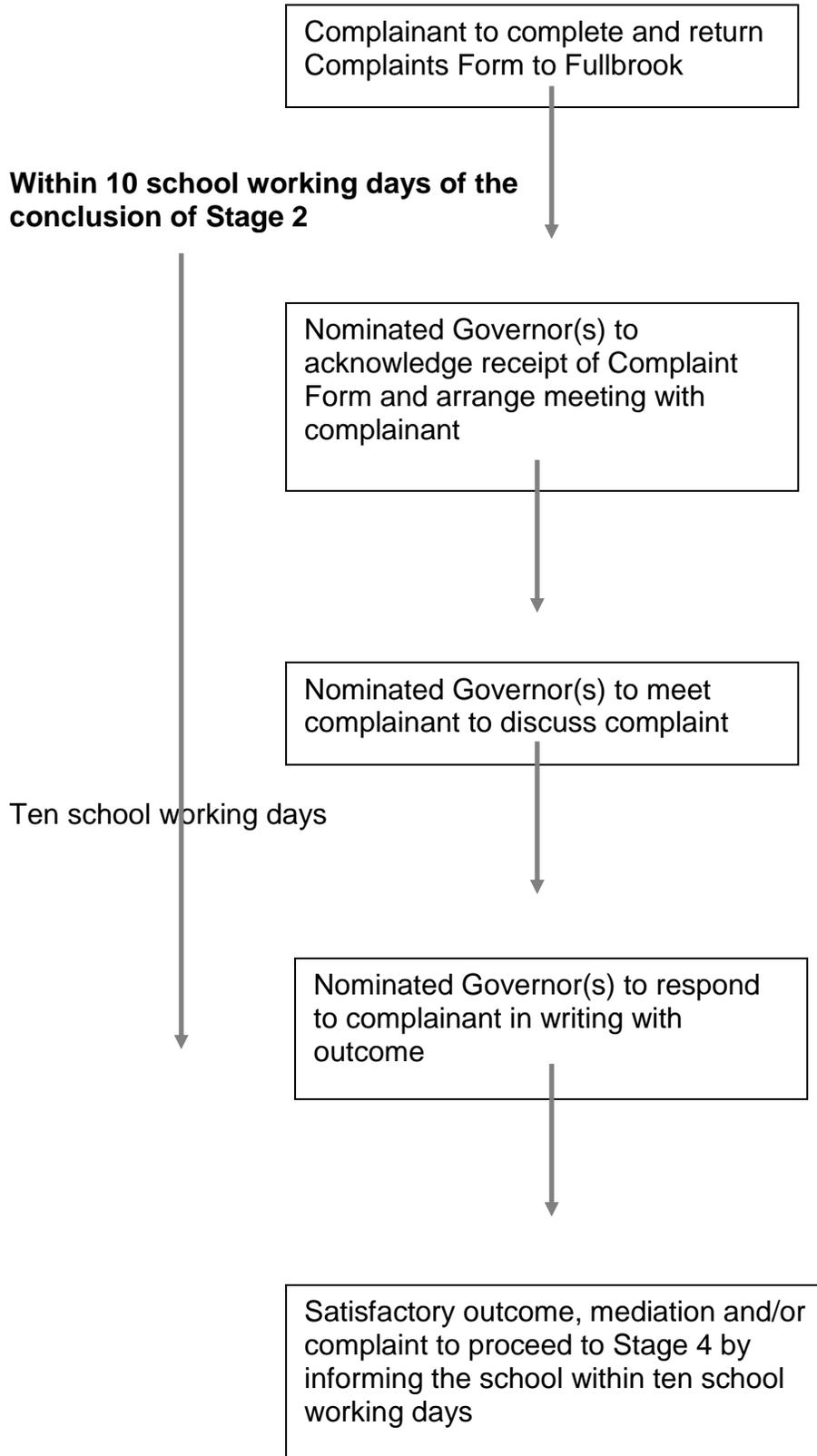
has been taken, but the specific sanction will remain confidential and cannot legally be disclosed to you for reasons of confidentiality and the rights of individuals.

- 2.3.7 Should your complaint not be resolved, mediation between you and the school may be available from the LEO Team before proceeding to the next stage. The LEO Team will remain objective and impartial throughout all the stages of the complaints procedure.

Stage Three

Consideration by a nominated governor

3.1 Flow chart



Stage Three – Consideration by the Nominated Governor(s)

3.2. Guidelines

- 3.2.1 If a complaint is about the conduct or actions of the Principal, or if the Principal 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 school website. Assistance with this is available from the school or the Area Schools Support Service.
- 3.2.2 It is in the interest of all parties concerned to try and resolve the complaint at this stage. If the decision is taken to move to Stage 4 the process inevitably becomes more adversarial.
- 3.2.3 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). This person will be precluded from reviewing the complaint at Stage 4. One of the reasons for having a nominated governor at this stage in the complaint procedure is to reassure you that an impartial person is carrying out the investigation.
- 3.2.4 The Nominated Governor will follow the Fullbrook complaint guidelines and general principles to ensure consistency and fairness. The nominated governor 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 academy school and will be focussed on delivering good 'customer care'.
- 3.2.5 The Nominated Governor should be in a position to prioritise the investigation at this stage to ensure its timely resolution. Governors have a responsibility for implementation of Fullbrook's complaints procedure and are acting on behalf of the full governing body in this regard.
- 3.2.6 The academy school may notify the Area Schools Support Service Team of any complaint reaching this stage. The Area Schools Support Service will ensure that the Nominated Governor(s) receives appropriate guidance and support. The Area Schools Support Service represents Surrey County Council and aims to ensure that all complainants are treated fairly and that everything possible is done to achieve a resolution.

- 3.2.7 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 Review.
- 3.2.8 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.
- 3.2.9 Where a complaint seeks an internal review of a response to a Freedom of Information/Data Protection 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 review and ensure that the complainant is provided with details of next steps i.e. that if the complaint remains dissatisfied following the internal review, they have access to further action via the Information Commissioner's Officer website (www.ico.org.uk)

Stage Three – Consideration by the Nominated Governor

3.3 Procedure

- 3.3.1 You must complete the school's Stage 3 Complaint Form (available from the school office and/or school website) 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 Chair of the Governing Body who will either investigate your complaint personally or nominate another governor to do so. If you require assistance in completing the form you should inform the school.
- 3.3.2 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 meeting with you**). Where this is not possible a letter will be sent to you explaining the reasons for the delay and revising the target date.
- 3.3.3 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. A member of the Area Schools Support Service may attend this meeting if requested by either party; their role will be to listen and give advice. The Area Schools Support Service will not provide advocacy for either you or the academy school, as they will need to remain objective in order to advise at any later stage in the process.
- 3.3.4 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 academy school will facilitate interpreting or advocacy services if they are required. You should request assistance well in advance of the meeting.
- 3.3.5 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 governor. The Nominated Governor(s) should then discuss the issues with the Principal and/or other members of staff. On the basis of the written evidence and discussions the Nominated Governor(s) may require the Principal to obtain further evidence or statements. The Principal's investigation notes may be covered by the Data Protection Act 1988 and may not be available to you.
- 3.3.6 Once all the relevant facts have been established the Nominated Governor(s) will produce a written response to you. The governor may

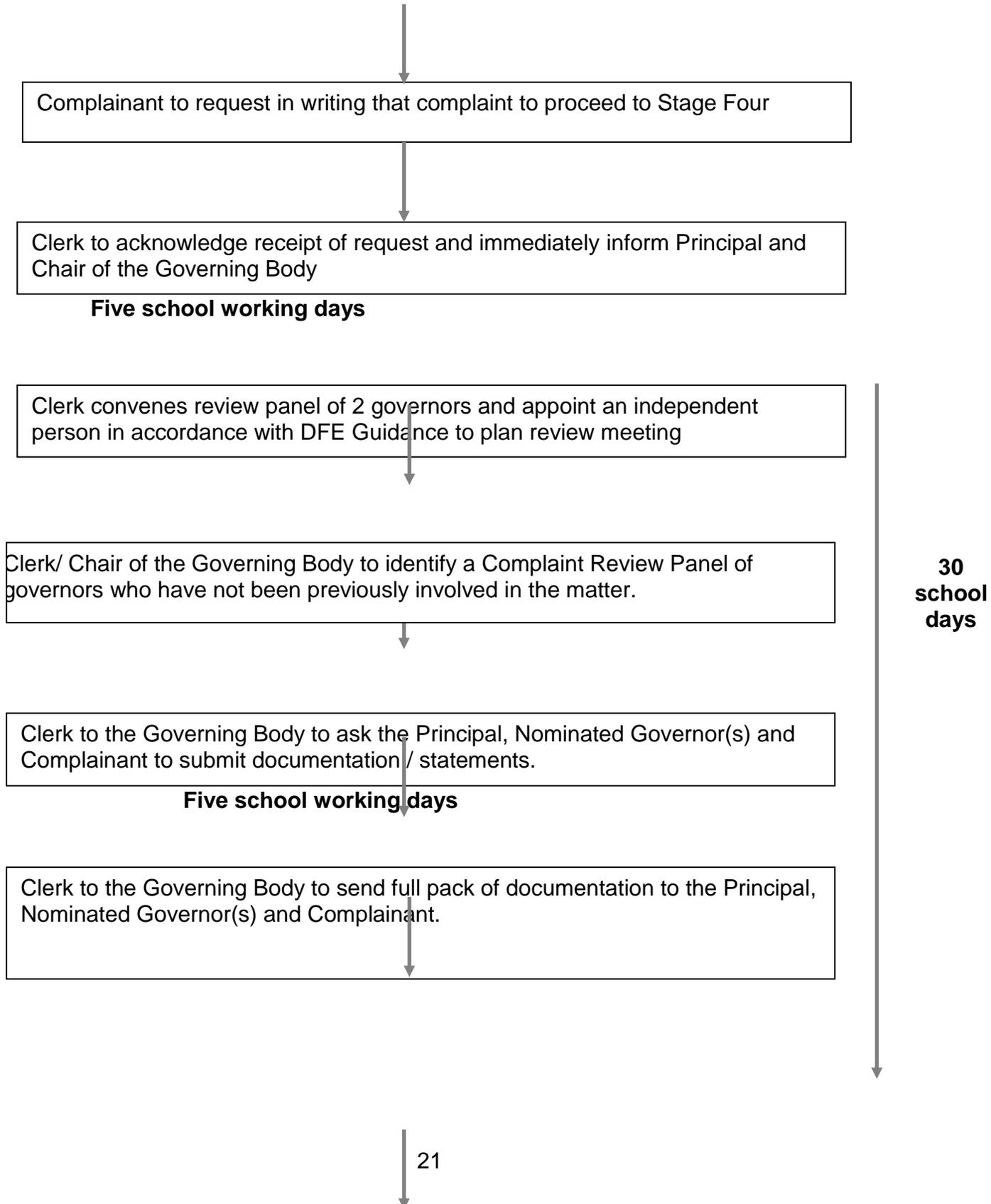
also wish to meet with you to discuss the findings and resolve the matter directly. A written response should include a full explanation of the decision and the reasons for it; where appropriate this will include the action the school will take or has taken to resolve your complaint. **However, if a disciplinary outcome is indicated this information will not be shared with you. You will need to trust that the school have taken the appropriate action.**

- 3.3.7 A mediation and reconciliation service is offered by the Area Schools Support Service as part of their purchased services to academy schools. If you feel that it might be helpful to use this as part of the outcome of a Stage 3 complaint, in order to restore positive relations between you and the school you may wish to suggest this to the school.

Stage Four

Consideration by a Review Panel

4.1 Flow chart



Seven school working days

Stage Four

4.2 Guidelines

- 4.2.1 Complaints rarely reach this stage. At this stage schools will almost certainly have sought advice from the Area Schools Support Service. All complaints that reach this stage will have done so because the complainant has not been satisfied by the Principal's response at Stage 2 or the investigation by the nominated governor at Stage 3. It is not possible to go straight to Stage four in this procedure. Stages 1 to 3 must first have been completed in order to try and achieve a resolution.
- 4.2.2 The Complaint Review Panel of three governors will be convened to review the matter in detail. The panel will normally invite you, the Principal and the Stage 3 Nominated Governor to attend the meeting to explain their actions. You will also be invited to attend. If you choose to decline this invitation or fail to attend, the review will go ahead in private (without all invitees) using only the written evidence.
- 4.2.3 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 is flawed in some way then it can uphold the complaint and can in some circumstances direct the school to re-investigate the matter. The Complaint Review Panel will not simply overturn the decision taken by the Principal or the Investigating Governor because you do not agree with the outcome.
- 4.2.4 The Complaint Review Panel may fully or partially uphold a complaint or indeed overturn it. It will provide reasons for its decision in writing. Stage 4 is the final stage of the Fullbrook school complaints procedure.
- 4.2.5 This may be the last chance for a solution or compromise to be reached; every effort should be made to reach agreement through mediation or reconciliation as part of the outcome. The advice and expertise of the Area Schools Support Service is particularly helpful at this stage. It should be noted that the Area Schools Support Service may be involved in advising both parties of their rights, responsibilities and the protocol to be followed. It is the role of the Area Schools Support Service to remain impartial and objective throughout the process and support a resolution to your complaint.
- 4.2.6 It is important that complainants understand that the Complaint Review Panel is both independent and impartial; they will aim to demonstrate this at the hearing. The Complaint Review Panel are advised to consider

Chair of Review Panel Meeting

Respond in writing to the Complainant and inform Principal and Governing Body of outcome/ recommendations.

including a governor from another school, to help to increase confidence in the Stage 4 process.

- 4.2.7 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 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 governor and the governing body to decide.
- 4.2.8 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.
- 4.2.9 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.

Stage Four – Consideration by a review panel of governors

4.3 Procedures

4.2.1 You should write to the Chair of 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 Governing Body) will 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 **within thirty school working days** of receiving your request, unless there are exceptional circumstances.
- The letter will also explain that both you and the Principal 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 will be conducted in private. This will involve detailed consideration of all the written evidence by the panel but will not require your attendance or that of the Stage 3 Nominated Governor and the Principal. The Clerk to the Complaint Review Panel will be in attendance to minute the proceedings and a representative of the Area Schools Support Service may also be present, if invited by the Complaint Review Panel, to provide procedural advice and witness the fairness and rigour of the process.
- 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 how the meeting will be conducted by the guidance for the conduct of a review meeting.

- The Clerk to the Complaint Review Panel will convene the meeting for the Stage 4 review and will distribute all the paperwork. The panel will elect a Chair for the review hearing. This must not be the Principal or other member of staff who is a governor of the school; nor may it be the Chair of the Governing Body or Nominated Governor(s) if they have been involved at a previous stage of your complaint.
- The Complaint Review Panel may request that members of staff produce a written report, if appropriate. The panel will not interview children or invite pupils as witnesses to the review meeting.
- It is the responsibility of the Chair of the Complaint Review Panel to ensure that the Clerk 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.

A model procedure for conduct of the meeting is included in this guidance.

- 4.3.2 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.
- 4.3.3 At the conclusion of the meeting the Chair of the Complaint Review Panel should explain that the panel would consider its decision and write to all parties with the outcome of the review **within seven school working days**.
- 4.3.4 A report and any recommendations will be made to the school's governing body at the next full meeting.
- 4.3.5 A written statement outlining the decision of the Complaint Review Panel will be sent to you and the Principal, with a copy to the Area Schools Support Service.

Stage Four – Consideration by a review panel of governors

4.4 Guidance for conduct of a Complaint Review Panel

4.4.1 The Chair of the Review Panel will invite everybody into the room at the same time. S/he will facilitate introductions and clarify roles.

4.4.2 The Chair 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

4.4.3 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 the complaint.
- The Principal will be given the opportunity to seek clarification from the complainant.
- The panel may seek clarification from the complainant.
- The Principal and the Nominated Governor (Stage 3) will state the schools case
- The complainant will be given the opportunity to seek clarification from the Principal and/or Nominated Governor.
- The panel may seek clarification from the Principal or Nominated Governor.
- The Principal and / or the Nominated Governor 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. The panel will then deliberate. If the representative of the Area Schools Support Service is present s/he may remain, along with the clerk to the Complaint Review Panel, to offer procedural advice.

4.4.4 The panel will then arrive at its decision. This will cover:

- Findings on the complaint.
- Appropriate action to be taken by the school.
- Any recommended changes to the school's systems or procedures.

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

5. Further Action - after all four stages are complete

- 5.1 A complaint may be made to the Secretary of State for Education if a person believes that a governing body is acting unreasonably or is failing to carry out its statutory duties properly. The Department can only consider a complaint if all local procedures have been exhausted.

The Secretary of State

www.education.gov.uk/schools/leadership/performance/b00212240/guidance-on-making-a-complaint-about-a-school

The Secretary of State
Department for Education
Castle View House
East Lane
Runcorn
WA7 2GJ

- 5.2 Ofsted has specific powers (under sections 11 A-C of the Education Act 2005 (as amended)) to investigate certain complaints about schools, known as qualifying complaints. Generally, the complainant must have followed the school's own complaints procedure before referring to Ofsted. Ofsted will only consider complaints about whole school issues and not those regarding individual pupils.

Ofsted

www.ofsted.gov.uk

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

6. Complaints about School Governors 6

6.1. Guidelines

- 6.1.1 Complaints about individual governors are relatively rare. They generally relate to the conduct of a governor within 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 or, in the event of the complaint being about the Chair, by the Vice Chair of the Governing Body.
- 6.1.4 The Chair of Governors 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. Complaints about School Governors

6.2. Procedures

- 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 Complaint Review Panel, the representative of the Area Schools Support Service or the Chair of the Governing Body.
- 6.2.4 The Chair of Governors will then begin their investigation of the key issues. Please note that pupils 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 the complaint or overturn the complaint. If there is good reason for any delay the Chair 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 they 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 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 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 review 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 in exceptional circumstances one governor from another school may be invited to sit on the panel with the chair of the panel being a governor from the host school.

- 6.2.9 A governors' 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 review panel. Department for Education advice is that a governor may still be able to apply objectivity to a situation despite knowing the circumstances and the individuals concerned. Surrey 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 Complaints Review Panel should be present to advise on procedure, record the discussion and record the decision; the clerk will also produce the final letter to the complainant. The Area Schools Officer may also be invited to attend to advise on procedure.
- 6.2.11 If the Chair of Governors (at Stage 1) or the Review Panel (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

7.1 Guidelines

7.1.1 The majority of people with complaints or concerns about schools behave reasonably in pursuing their complaint. This means that they:

- Treat all school staff with courtesy and respect;
- Respect the needs of pupils and staff within the school;
- Do not use violence (including threats of violence) towards people and property;
- Recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
- Recognise that resolving a specific problem can sometimes take some time;
- Follow the school's complaints procedures.

7.1.2 However, a small number of complainants may be deemed “**unreasonably persistent complainants**”.

7.1.2 Definitions:

For the purposes of this policy an “**unreasonably persistent complainant**” is defined as follows:

An unreasonably persistent complainant is a person who repeatedly complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the school and whose behaviour is unreasonable.

Such behaviours may be characterised where complainants:

- persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided)
- change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different

from the original complaints. These should be addressed as separate complaints

- An instant upon pursuing unmeritorious complaints and / or unrealistic or unreasonable outcomes; and / or an insistence upon pursuing meritorious complains in an unreasonable manner. For example, complainants who are unwilling to accept documented evidence or action or who are unwilling to accept that the governing body has reached a final decision on a chosen course of action.
- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns
- Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing Body to investigate
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a ‘trivial’ matter can be subjective and careful judgements must be used in applying this criteria
- Have in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time
- Make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.
- For the purposes of this guidance “harassment” is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of school staff
- And / or cause ongoing distress to individual members(s) of school staff
- And / or are pursued aggressively

7.1.3 Complainant should be aware that threatening behaviour or the use of physical violence towards staff at any time may cause personal contact

with the complainant and / or their representatives to be discontinued and the complainant will, thereafter only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/ physical assault has taken place.

- 7.1.4 Recording of meetings or telephone conversations should only occur when all parties have agreed to the recording. Circulation of such recordings to third parties without the prior knowledge and consent of other parties involved constitutes a breach of confidence.

7. Unreasonably persistent complainants and unreasonable behaviour

7.2 Procedure

- 7.2.1 Only the Principal, with agreement with the Chair of the Governing Body may deem a complaint 'unreasonably persistent'.
- 7.2.2 The Principal will ensure that there is sufficient evidence available to justify the decision.
- 7.2.3 The Chair of the Governing Body will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
- 7.2.4 Some or all of the following actions may be taken, depending on the particular circumstances of the case:
- Insisting that no member of staff should meet the complainant on his / her own;
 - Restricting responses to telephone calls and emails from the complainant to specified days and times;
 - Requiring that all future contact with the school is in writing, except in emergencies; this includes with members of the governing body, who should only be contacted at the school address;
 - Merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
 - After consulting with Surrey County Council's Legal Services, banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Principal.
- 7.2.5 All correspondence from the complainant will be considered and any new and substantive issues will be addressed and a reply sent to the complainant.
- 7.2.6 New complaints from people who have been deemed unreasonably persistent complainants in the past will be treated on their merits.
- 7.2.7 If a complainant is deemed to be unreasonably persistent this will not reflect on the school's treatment of his / her child.
- 7.2.8 Once a complainant has been determined, as persistent and/or unreasonable, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable

- approach or submits a further complaint for which the normal complaints procedures would appear appropriate.
- 7.2.9 A panel of three Governors should review their decisions to categorise a complainant as persistent and/or unreasonable every six months.
 - 7.2.10 The panel on review may either withdraw the categorisation of a person as persistent and/or unreasonable or amend the strategy being applied to that person.
 - 7.2.11 If the panel considers it appropriate to withdraw the status of persistent and/or unreasonable, normal contact with the complainant and application of the school's complaints procedure will be resumed. The complainant will be given notice of this decision as soon as practicable.
 - 7.2.12 Copies of all decisions relating to the categorisation of a person as persistent and/or unreasonable will be sent to the clerk who will hold and maintain a central register of such decisions.
 - 7.2.13 The Principal's report to the governing body should outline the number of complaints, if any, who are categorised as persistent and / or unreasonable to enable the governing body to monitor this.
 - 7.2.14 Nothing in this policy affects an individual's statutory rights.

8. Timescale for making a complaint about Fullbrook

- 8.1 It is in the interests of all parties that concerns are raised as soon as they occur. Schools will investigate and review complaints up to six months after the event. Principals and governors are better able to undertake a thorough and fair investigation when the evidence trail is still fresh.
- 8.2 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 principal will therefore have a very limited amount of information available on which to pursue their investigation.
- 8.3 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.