



Complaints Policy

Garden Fields JMI School, Townsend Drive, St. Albans, Herts, AL3 5RL

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1) How to comment or complain

We care about what you think.

Each day this school makes many decisions and tries hard to do the best for all the students. Your comments - either positive or negative - are helpful for future planning.

You may want to talk to us about a particular aspect of this school, though not actually make a formal complaint - you just want to get something 'off your chest'.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel free to contact us using the details listed above.

If having contacted us you remain dissatisfied and feel that you would like to raise your complaint formally, then this Complaints Policy sets out how you should do that.

Whilst every effort has been made to make these procedures as comprehensive as possible, the guidance and suggested best practice contained within this document is not exhaustive.

2) Our aims

- Your complaint will be dealt with honestly, politely and with mutual respect for confidentiality.
- Your complaint will be looked into thoroughly and fairly.
- If your complaint is urgent we will deal with it more quickly.
- We will keep you up to date with progress at each stage.
- We will apologise if we have made a mistake.
- We will tell you what (if anything) we are going to do to put things right.
- We will give you a full and clear written reply to formal (Stage 2) complaints within **33 school days (6½ school weeks)** of the date that the Stage 2 complaint is received by the Chair of Governors, if we are not able to reply within that timescale we will explain why and keep you informed of the new timescale.

'References to 'school days' are references to week days during term time when the students are in attendance for lessons at the school and therefore exclude weekends, holidays and inset days.

3) Application of this Policy and time limits

3.1 The school is governed by the Education Act 2002. This Complaints Policy has been formulated to comply with that legislation, as well as equality legislation and the rules of natural justice. In the case of any conflict between the procedure outlined in this Complaints Policy and the mandatory requirements of the relevant legislation, the procedure outlined in the relevant legislation will apply.

3.2 Although every effort will be made by the school to comply with the time limits specified under each stage of this policy, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant, the school or any person complained of, to attend a meeting, if offered, or any Complaint Panel Hearing. In all cases, **where a time limit cannot be complied with, the Complainant will be contacted within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.**

3.3 Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides.

3.4 This Complaints Policy does not apply to complaints involving school re-organisation proposals, matters likely to involve a child protection investigation, or relating to admissions, exclusions of children from school, whistleblowing and statutory assessments of SEN needs, for which there are separate statutory procedures. It also does not apply to complaints made by one governors of the school against another governor of the school.

3.5 Complaints about the management and performance of staff, staff grievances and disciplinary matters are also not dealt with under this Complaints Policy – these are dealt with by the school under separate staff policies regarding performance management, capability, grievance and discipline, the detail and outcome of which is confidential to individual members of staff.

3.6 Any third party providers offering community facilities or services through the school premises, or using school facilities, are encouraged by the school to have their own complaints procedure in place. All persons complaining in relation to those providers should seek to resolve their complaint through those processes in the first instance. If the matter has not been satisfactorily resolved in that way then the complaint should be made to the school pursuant to this Complaints Policy and full details of the outcome of the complaint to the third party provider should be provided as part of the complaint under this Complaints Policy.

3.7 Complaints should be submitted as soon as possible and, in the usual course of events, within three months of any incident. Where for good reason a complaint is submitted more than twelve months after the incident or event (or where the complaint relates to a series of incidents or events, more than twelve months from the date of the latest incident or event), the school reserves the right to refuse to investigate the complaint under this Complaints Policy **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. The decision as to what is reasonable and fair and any question as to that decision will be resolved by the Chair of Governors (or the Vice-Chair if the complaint is against the Chair).**

3.8 The purpose of this Complaints Policy is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the roll of a school, or the child has left the school, it is clearly impossible for things to be put right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and therefore the Chair of Governors will investigate the circumstances of the complaint to satisfy themselves that no one had acted inappropriately and that procedures and policies had been followed correctly. This investigation will **not** involve a Stage 2 hearing but the Chair of Governors will inform the parents of any changes to practice and procedures which have been agreed by the Governing Body.

4) Natural Justice

Simply put, the rules of natural justice relate to fairness. All complaints will be dealt with in accordance with the following principles:

- All parties will be provided with all reasonably available information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the case presented by the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions will be made on a balanced and considered assessment of the information before the investigator only;
- All decisions will be based upon the evidence presented and not on speculation or suspicion.

5) Anonymous Complaints

The school will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher (or the Deputy Headteacher in the event that the anonymous complaint is about the Headteacher) who will decide what, if any, action should be taken.

6) Records of Complaints and Confidentiality

6.1 The school will keep a formal written record of all complaints whether they are resolved at Stage 1 or Stage 2 under this Complaints Policy and any action taken by the school as a result of those complaints (regardless of whether they are upheld).

6.2 For the avoidance of doubt, the school will not maintain a separate written record of every concern or minor issue raised with the school through individual members of staff.

6.3 All correspondence, statements and records relating to individual complaints (including the matters discussed at any stage of this Complaints Policy) must be kept confidential by everyone involved in a complaint save for the Complaints Panel reporting its findings and recommendations to the Governing Body under this Complaints Policy except where access is requested by the Secretary of State, a school inspector, or under another legal authority. Failure to comply with this by a complainant will be taken seriously and could be interpreted by the school and/or any Complaint Panel as a desire by the complainant to terminate the processes within this Complaints Policy.

7) How to make a complaint

7.1 In the first instance – informal stage

If you have a concern about anything we do and wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you do not understand why we are doing something in a particular way, please discuss it with an appropriate member of staff.

The school will aim to resolve your complaint within **fifteen school days** of the date it was raised.

We know that it can feel uncomfortable to question or challenge something, but if you do not tell us what is worrying you we cannot explain what we are doing or try to put it right. Sometimes it is not possible to settle your complaint in this way and in this case there is a next step.

7.2) First - formal stage (Stage 1)

7.221 If you are not satisfied with the informal response to the complaint, then you may submit the complaint **in writing** to the Headteacher. If you have communication preferences due to disability or learning difficulties, the school will allow alternative methods of contact in which case a complaint may be made in person, by telephone, or in writing. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, the school may, at its discretion, use recording devices to ensure the complainant is able to access and review the discussions at a later point.

7.222 This is the first formal stage of the Complaints Policy. This may (but will not always) involve the Headteacher and the Chair of Governors or Vice Chair of Governors working together to investigate the complaint (unless the complaint relates to the Chair of Governors or Vice Chair in which case they will not be involved in this stage of the complaint). It is helpful if at this stage you set out clearly what in your view would resolve the issue.

7.223 If your first contact is with individual Governors, they will advise you to take up your concerns with the appropriate member of staff at the informal stage or if you have already done that then **in writing** (or as set out above in the event of communication preferences) to the Headteacher as a Stage 1 complaint. A Governor should not be made aware of the detail of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage 2).

7.224 If your complaint is about the Headteacher, you should write to communicate with the Chair of Governors. If your complaint is against the Chair of Governors or any individual governor, you should write to/communicate with the Clerk to the Governing Body.

7.225 If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) you might find it helpful to talk to our Special Educational Needs Co-ordinator (SENCo) or your child's named Special Needs Officer at the Local Authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

7.226 A Stage 1 complaint will be acknowledged by the Headteacher within **five school days** of receipt. The acknowledgement letter will confirm the date that the complaint was received [by the school/by the Headteacher], the action to be taken and within what time frame.

7.227 The Headteacher will be provided with any records of the informal stage of the complaint and will then proceed to investigate the complaint (“the investigation”). This will involve obtaining and considering all documentation held by the school which is relevant to the complaint.

7.228 If further information is required from you, this may be requested from you over the telephone or in writing.

7.229 The Headteacher will speak to the persons who were involved in the matters raised by you. Children will be spoken to with an independent member of staff present to support them.

7.230 Where the investigation is into an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate and the provision to make any amendments. Amendments should be clearly stated on the record.

7.231 If the Headteacher deems it to be appropriate in relation to the matters raised, you will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

7.232 The Headteacher will write to you confirming the outcome of the investigation within twenty school days from the date that the Stage 1 complaint was received. The letter will set out the individual matters raised by you, the findings made by the Headteacher during the course of the investigation, and the conclusion reached.

7.233 In appropriate cases, the Headteacher may delegate the complaint to a member of the Senior Leadership Team to deal with in accordance with the procedure outlined above.

7.234 The letter will inform you that, if you are unsatisfied with the outcome of the Stage 1 investigation, you should write to the Chair of Governors, within **ten school days** of receipt of the Headteacher's letter, asking for your complaint and the Stage 1 investigation to be reviewed under Stage 2 of this Complaints Policy.

7.3 Second - formal stage (Stage 2) (unless the child is no longer on the school roll)

7.311 If you remain dissatisfied following Stage 1 and wish to take your complaint further, then within **ten school days** of receiving the letter confirming the outcome of Stage 1 you must write a letter addressed to the Chair of Governors. In the letter you should:

- Make it clear why you are complaining about the outcome of Stage 1 of the Complaints Policy; and
- Explain clearly what you want to happen as a result of your complaint.

7.312 If you have communication preferences due to disability or learning difficulties, the Chair of Governors will allow alternative methods of contact in which case a complaint may be made in person, by telephone, or in writing. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, the Chair of Governors may, at their discretion, use recording devices to ensure the complainant is able to access and review the discussions at a later point.

7.313 The Chair of Governors will arrange for your complaint to be considered under this policy. Unless the complaint is in relation to a child who is no longer on the school roll (in which case the complaint will be investigated by the Chair of Governors as set out above). This will involve a Panel of Governors which will typically consist of three persons (usually Governors of the school) appointed by or on behalf of the Governing Body (the Complaint Panel) who will review the investigation and outcome of the Stage 1 complaint. It is up to the Governing Body however, to decide the number of governors to sit on a Complaint Panel.

7.314 None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint.

7.315 The Governing Body may wish to give delegated powers to the Chair to vary the Complaints Panel membership where specialist knowledge by another Governor would be useful.

7.316 Governors need to withdraw because they have prior knowledge of the incident or have a conflict of interest or are unavailable.

7.317 The membership of this group should have been established at the first meeting of the autumn term with reserves in case any of the Governors need to withdraw because they have prior knowledge of the incident or have a conflict of interest or are unavailable.

7.318 If the whole governing body is aware of the substance of a complaint before the Stage 2 has been completed, then the school will arrange for an independent panel to hear the complaint. Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Such requests will be considered by the Chair of Governors of the school (or the Vice Chair in the event that the complaint is about the Chair of Governors).

7.319 All decisions as to the members of a Complaints Panel will be made by the Chair of Governors of the school (or the Vice Chair in the event that the complaint is about the Chair of Governors) and his/her decision on that shall be final.

7.320 If the Chair of Governors or another Governor has been involved in discussions to help settle the disagreement at Stage 1, s/he should arrange for another Governor to take charge of this Stage of the Complaints Policy. The Governor in charge of Stage 2 of the complaint may, at their discretion, ask to meet you to discuss your concerns.

7.321 Further investigation prior to a Complaints Panel does not have to take place if the Chair of the Complaints Panel is satisfied that all the facts of a complaint have been established at Stage 1 of this Complaints Policy and therefore, no further clarity is needed.

7.4 Convening the Complaint Panel Hearing

7.41 The aim of the Governing Body is to deal with Stage 2 complaints within **28 school days (5½ weeks)** of the date that the Stage 2 complaint is received by the Chair of Governors, if this is not possible within that timescale the complainant will be contacted to explain why and will be kept informed of the timescale

7.42 The Clerk to the Governors will liaise with the Complaint Panel, the Complainant and the school to agree a mutually convenient date for the Complaint Panel Hearing and will confirm the date when it has been fixed. It is important that the all parties fully engage in this process in a timely manner as failure to do so will mean that the date could be fixed for the panel hearing on a date that is not convenient to them or the timescales within this Complaints Policy will not be met.

7.5 Documentation

7.51 The Clerk to the Governors will forward a copy of all paperwork relating to the complaint (consisting of the record of the informal stage of this Complaint Policy, the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint,

all investigation records under Stage 2 with the letter of outcome and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to you, the school, the three Complaint Panel members and any person complained about.

7.52 You, as complainant, and the school should make sure that the Complaint Panel is provided with any written information or evidence they intend to use in a formal hearing by the deadlines that are notified to enable the Clerk to the Governors to forward it to you, the school, the Complaint Panel members and any person complained about in good time before the hearing. If those deadlines are not met then the Complaint Panel may in its absolute discretion decide that in the interests of natural justice it would not be fair to enable that information or evidence to be used by the relevant party at the formal hearing.

7.55 If you or the school wishes to reply on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Governors by the deadline that is notified to enable the Clerk to the Governors to forward it to the school, the three Complaint Panel members and any person complained about in good time before the hearing. Failure to comply will mean that such statements may not be used or referred to at the hearing.

7.56 Any written accounts provided by the complainant relating to witnesses under the age of eighteen must be signed and dated by their witness and countersigned by one of the witness' parents or carers; in the absence of such a countersignature such statements may not be used or referred to at the hearing.

7.6 Attendance at the Complaint Panel Hearing and witnesses

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of the school;
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it;
- The Complaint Panel Hearing is conducted in accordance with the principles set out in in appendix 1 to this Complaints Policy;
- Only the Complaint Panel members may ask questions directly of the Complainant, the school or any witness attending the hearing.
- The Panel will typically consist of 3 Governors but it is up to the Governing Body to decide the number for hearing complaints*.
- The membership of this group should have been established at the first meeting of the autumn term with reserves in case any of the Governors need to withdraw because they have prior knowledge of the incident or have a conflict of interest or are unavailable.
- The Governing Body may wish to give delegated powers to the Chair to vary the Complaints Panel membership where specialist knowledge by another Governor would be useful.
(The law only specifies at least three Governors in the case of dismissal and

exclusions)

7.61 If any of the above are not adhered to by any person attending the Complaint Panel Hearing then the Chair of the Complaint Panel may at their absolute discretion ask that person to leave the hearing, which will continue in their absence, or may adjourn the hearing and re-convene the hearing at a later date. If such action is necessary that will delay the resolution of the complaint beyond the timescales set out in this Complaints Policy.

7.62 You may bring one friend, representative or interpreter to any meeting if they wish. For the avoidance of doubt, the friend, representative or interpreter will be present for translation or moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason.

7.63 The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the school to be legally represented.

7.64 The Chair of the Complaint Panel may invite any person who may help establish the facts of the complaint. The Chair should tell all attendees to the Hearing who this person is before the meeting. The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted or asked to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of a meeting which have been signed by the witness.

7.65 Witnesses under the age of eighteen will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel and then only if they are accompanied by one of their parents or carers.

7.66 Witnesses should only be required to attend for the part of the hearing in which they give their evidence.

7.67 If any member of staff is required by the Complaint Panel to attend a meeting they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Complaint Panel. They may be accompanied by a friend or representative. If this happens, the Complaint Panel will inform you in advance. For the avoidance of doubt, the friend or representative will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion.

7.68 The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Governors.

7.7 The Complaint Panel's Decision

The Complaint Panel will convene in private (with the Clerk to the Complaint Panel), either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

7.71 Findings of Fact

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant to the complaint, the Complaint Panel will not consider it further.

7.72 Recommendations

7.721 The Complaint Panel will consider the facts which they have established and will make findings based upon them. The Complaint Panel may also make recommendations which may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future.

7.722 When the Panel has heard and decided the complaint, the Chair of the Panel or Clerk to the Governors will write to the Complainant, the school and any person complained about to confirm the findings within **five school days** of the Complaint Panel Hearing.

7.723 These findings will be reported to the Governing Body at a Full Governing Body Meeting together with any recommendations. The Governing Body must accept the findings of the Complaint Panel but can accept (in whole or in part) or reject (in whole or in part) the recommendations at its discretion. The Chair of Governors will subsequently write to the Complainant, the school and any person complained about confirming any agreed actions to be taken.

8) Further recourse

Most complaints are resolved by this process.

8.1 If a complaint has been dealt with under this policy and you remain dissatisfied, you have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

8.2 The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

8.3 The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, it may request that the complaint is looked at again.

8.4 If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

8.5 Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:
Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street
Manchester M1 2WD.

8.6 In the case of complaints about **Special Educational Needs provision**, you may complain further to the Local Authority. This should be done by writing to the Children's Services Complaints Manager.

8.7 Complaints about the provision of SEN may move to Stage 3 with the LA. Remember however - If Parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing. After **20 working days (4 weeks)**, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further. For other complaints there is no appeal beyond the Governing Body although parents can complain to the Secretary of State.

9) Vexatious, unreasonable, serial or persistent complaints and barring from school premises

9.1 There may be occasions when a complainant fails to engage with the process set out in this Complaints Policy or, despite a complaint being considered under all applicable stages in this Complaints Policy, the complainant persists in made the same complaint to the school. There may also be occasions when a complainant raises unreasonable persistent or repeated complaints or raises complaints about matters which do not affect them or about a matter which is clearly so trivial or historical that it would be a waste of the school's resources to deal with it under the formal stages of the Complaints Policy.

9.2 Where the school or the Chair of Governors is of the view that a Complainant's behavior is unreasonable as set out in appendix 2 to this policy then the process set out in that appendix shall be followed. The complaint shall continue to be dealt with under the terms of this policy, it being recognised that the Chair of Governors may in such circumstances make fair and reasonable decisions about the nature and extent of the complaint to be considered by the school and, in the case of complaints that have reached Stage 2 of this policy, the evidence to be presented to the panel hearing and other administrative matters, including the date of the hearing (which decisions shall be final and binding on the complainant).

9.3 Once the complaint has been dealt with in accordance with this policy then if the complainant tries to re-open the same issue the Chair of Governors may inform them that the procedure has been completed and that the matter is now closed.

9.4 If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school and Chair of Governors may choose not to respond.

9.5 The school may bar parents from the school premises as set out in Appendix 2 to this policy.

10) Complaint by a Governor about another Governor (including the Chair of Governors)

10.1 Complaints by a Governor about another Governor should be dealt with informally in the first instance to try and resolve the matter as swiftly as possible. In most cases, this should be handled

by the Chair of Governors. If however, the complaint is about the Chair of Governors, the Vice Chair of Governors should handle the matter. Should it remain unresolved, a Panel of Governors should be convened as per the guidance on process set out in this document to hear the complaint.

10.2 Should the Governor handling the matter consider that it is not possible to convene a Panel of impartial Governors, then it may be possible to convene a Panel comprised of Governors from other schools. Should this situation ever arise, the Governor handling the matter should contact School Governance on 01438 843082 for advice.

10.3 Governors should be mindful of their behaviour and attitude throughout their tenure in the role. Useful guidance from the Committee on Standards in Public Life regarding the 7 principles of public life can be found at the following link: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

11) Complaint by a member of Staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as per the complaints process outlined in this document.

12) Complaint by a member of Staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of Staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

13) Complaints regarding compliance with Data Protection and Freedom of Information Legislation

All schools are responsible for their own compliance with the Data Protection and Freedom of Information Acts, regardless of their status. Hertfordshire County Council is not responsible, even if the school is a Community or Voluntary-Controlled school. Should we receive a complaint regarding compliance with the Data Protection or Freedom of Information compliance, the complaints process outlined in this policy will be followed. Advice and guidance can be found at <https://ico.org.uk/>.

Appendix 1

Hearing Stage 2 formal complaints

Stage A	Introduction of everyone present and clarification of the conduct of the hearing. Complaint Panel Chair checks that everyone has a copy of this Format of Hearing on the table.
Stage B	Complainant presents complaint, highlighting points made in written complaint and other documentation. Witnesses are called as and when required (as determined by the Complaint Panel). Complaint Panel questions complainant to clarify the points made.
Stage C	Headteacher presents the facts as s/he perceives them, highlighting points made in the written response and other documentation. Witnesses are called as and when required (as determined by the Complaint Panel). Complaint Panel questions Headteacher to clarify the points s/he has made.
Stage D	Complainant summarises case, highlighting evidence, including anything that has emerged in the questioning.
Stage E	Headteacher summarises the case for the school, highlighting evidence. This should include the school's response to anything that has emerged in the questioning.
Close	Complaint Panel Chair thanks complainant and Headteacher for attending and gives an indication of when they can expect to hear the outcome. Complainant and Headteacher leave the room at the same time. Complaint Panel considers all the evidence and comes to its conclusion either on the same day or at a meeting subsequently arranged for the Complaint Panel by the clerk to Governors.

- The hearing should be as informal as possible.
- Witnesses should only attend for the part of the hearing in which they give their evidence.
- Only the Panel may ask questions – which may be at any point.

Appendix 2

Vexatious, unreasonable, serial or persistent complaints and barring from school premises

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 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.

The 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:-

- 10 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- 11 refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved which includes failing to reasonably engage with the process of fixing the date for the complaint hearing;
- 12 refuses to accept that certain issues are not within the scope of a complaints procedure;
- 13 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- 14 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;
- 15 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- 16 changes the basis of the complaint as the investigation proceeds;
- 17 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- 18 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;
- 19 seeks an unrealistic outcome;
- 20 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 does so either face-to-face, by telephone or in writing or electronically:-

- 21 maliciously;
- 22 aggressively;
- 23 using threats, intimidation or violence;
- 24 using abusive, offensive or discriminatory language;
- 25 knowing it to be false;

26 using falsified information;

27 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 or Chair of Governors 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 or Chair of Governors may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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

Barring from the School Premises

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

If a parent's behavior is a cause for concern, the school can ask him/her to leave school premises. In serious cases, the Headteacher or the Local Authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

The school will give the parent the opportunity to formally express their views on the decision to bar in writing in which case the decision will be reviewed by the Headteacher taking into account any representations made by the parent and it will be either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complaint about being barred can do so by letter or email to the Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints policy has been completed the only remaining avenue of appeal is through the Courts.

Appendix 3

New English Fluency Duty

On 21 November 2016, Central Government introduced a new Code of Practice. This is a statutory requirement which specifies that all public sector workers in a 'customer facing' role must be able to speak English fluently.

Does this apply to Schools and Academies?

Yes. The duty applies to all bodies which carry out functions of a public nature, including Schools and Academies.

How does this affect staff?

The duty applies in respect of all employees, including agency staff, self-employed contractors and apprentices. Existing employees are covered, as well as new recruits. This includes reception staff, teaching assistants, lunchtime organisers, learning mentors, and other roles depending on their duties and interactions with parents and members of the public. Teachers in Local Authority maintained schools are already subject to a language standard through annual appraisals.

What is fluency?

Fluency relates to an individual's ability to speak with confidence, using accurate sentence structures and vocabulary, all without hesitation and appropriate to the situation at hand. The Government's Code of Practice identifies different levels of fluency. It is important that schools apply a minimum threshold level. For those posts where a greater level of fluency and interaction is required, it is recommended that a higher threshold level is applied.

Fluency Test

Schools must satisfy themselves that public facing staff speak fluent English. This could be through a formal test, or the individual may demonstrate fluency through conversation during the interview process. Existing employees may have already proven themselves in the job.

What do Schools and Academies need to do?

Consideration needs to be given as to how fluency will be assessed. Recruitment practices may need to be adapted to incorporate the new duty. Job advertisements should clearly state the standard of English required for the role and schools must objectively measure candidates against that standard. It is important to ensure consistency across similar roles. It is also vital to ensure all applicants are treated in the same way, to avoid any breach of the Equality Act. Obviously, existing staff in roles which the duty now applies to, need to be considered, especially if they might fall short of the required standard.

Handling Complaints

The Code requires Schools and Academies to operate a complaints procedure so that if somebody wishes to complain about a lack of English fluency it will be investigated and responded to formally. This does not need to be a separate stand-alone policy, so your school complaints policy will suffice for this purpose.