



Harting School

Complaints Policy

Date revised: September 2016

Next review date: September 2018 or with next model policy

Owner: Full Governing Body

In policy file, 't' drive and school website

This policy is in four parts:

- Complaints Policy for Parents and Pupils
- General Complaints Policy (non-parents/pupils)
- Guidance for parents, pupils and others
- Guidance regarding Governing Body

Complaints Policy for Parents and Pupils

Status: Statutory, pursuant to Chapter 1 of Part 3 of the Education Act 2002, Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009, and the Complaints Against Schools (England) Regulations 2010.

Purpose: This Complaints Policy applies to a complaint or complaints against a school that a pupil or a parent of a pupil has sustained injustice in consequence of an act or omission of the Governing Body of the school or an exercise of, or failure to exercise a prescribed function of the Headteacher of the school. It does not apply to a decision about admissions to the school, or a matter in respect of which the pupil or parent has or had a prescribed right of appeal. An act is to be treated as an act of the Governing Body of the school where a person acts on behalf of the Governing Body, or is a person to whom the Governing Body has delegated any functions. An act is also to be treated as an act of the Governing Body if the Governing Body exercises a function by arrangement with another person, and the act is done by or on behalf of the other person carrying out the arrangement. The school and Governing Body aim to deal with all complaints openly, fairly, promptly and without prejudice.

Relationship with other policies: This Complaints Policy should be read in conjunction with the policy on Complaints (General) and all other school policies in force at the relevant time.

Roles and responsibilities: The relevant Class Teacher should attempt to resolve all complaints by parents or pupils involving the education and well being of pupils in school. If the relevant Class Teacher is unable to resolve the complaint, it will pass to the Headteacher. If the complaint is about a member of school staff, this should be dealt with by the Headteacher. If the Headteacher is unable to resolve the matter, or the complaint is about the Headteacher, the complaint will pass to the Chair of Governors and the final stage in the process is for the Governing Body to investigate the complaint. Please see the separate procedure for dealing with complaints available from the school.

Complaints Policy (General: Other than Parents/Pupils)

Status: Statutory, pursuant to Chapter 1 of Part 3 of the Education Act 2002, Chapter 2 of Part 10 of the Apprenticeships, Skills, Children and Learning Act 2009, and the Complaints Against Schools (England) Regulations 2010.

Purpose: This Complaints Policy applies to any complaint relating to the school or the provision of facilities or services not covered under the Complaints Policy (Parents and Pupils), or any other prescribed right of appeal. The school and Governors aim to deal with all complaints openly, fairly, promptly and without prejudice.

Relationship with other policies: This Complaints Policy should be read in conjunction with the policy on Complaints (Parents and Pupils) and all other school policies in force at the relevant time. .

Roles and responsibilities: The **School Business Manager** deal with all complaints not covered by the Complaints Policy (Parents and Pupils). If the School Business Manager is unable to resolve the complaint, it will pass to the **Headteacher**. If the Headteacher is unable to resolve the complaint it will pass to the Chair of Governors. The final stage in the process is for the Governing Body to investigate the complaint. The **Chair of Governors and/or the Governing Body** will deal with complaints about the Headteacher. Please see the separate procedure for dealing with complaints available from the school.

Arrangements for monitoring and evaluation: This policy and the associated procedures will be reviewed by the Governing Body every two years.

Model procedure adopted by Harting Primary School: Complaints

Introduction

Governing bodies (GB's) of maintained schools (meaning a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery) in England are required by legislation (Section 29 of the [Education Act 2002](#)) to establish procedures to deal with complaints relating to the school or to the provision of facilities or services the school provides (other than complaints falling to be established by way of an alternative complaints or other procedure, see below).

The law requires GB's to publicise their procedures.

Local Authorities (LA's) are required to set up procedures for dealing with certain types of complaints, for example, complaints about, collective worship in a school or school transport. The GB's complaints procedure does not replace the arrangements made for those types of complaint which are dealt with under a separate regime.

All complaints not concerning Religious Education (RE), Collective worship and other exceptions as detailed in Appendix B, should be handled via the school complaints procedure. If the complainant remains dissatisfied after Stage 4, further procedural advice can be found in Appendix A.

The Department for Education (DfE) recommend that GB's ensure any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedures in place.

Schools are free to choose how many stages their procedure will include. This model policy is for guidance only and is based on a four stage procedure which is likely to be sufficient for most schools:

- Stage 1 (Informal): complaint heard by staff member (though not the subject of the complaint);
- Stage 2 (Formal): complaint heard by headteacher;
- Stage 3 (Formal) (optional): complaint heard by Chair of Governors;
- Stage 4 (Formal): complaint heard by GB's complaints appeal panel.

Regardless of how many stages the school chooses, a dissatisfied complainant must always be given the opportunity to complete the complaints procedure in full.

The timescales set out in this model procedure are guidelines only, the GB can set their own timescales but these must be reasonable and must be adhered to unless there is good reason not to do so.

This guidance has been written with reference to the DfE 'Best Practice Advice for School Complaints Procedures 2016. Departmental advice for maintained schools, maintained nursery schools and local authorities'.

General Advice - School complaints and concerns

- School staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- A complaint can be brought by a parent of a registered child at the school, any person who has been provided with a service by the school, or a member of the public from the wider community. This person becomes known as the complainant.
- Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.
- At first it may be unclear as to whether the individual is raising a question or expressing an opinion rather than making a complaint. An initial discussion about the issue may help to clarify and decide what may need to happen next.
- If the issue remains unresolved after an informal process of clarifying and attempting to resolve the issue, the initial stage of the formal complaints procedure would follow.
- The requirement to have a complaints procedure need not undermine efforts to resolve a concern informally. In most cases the class teacher, or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues immediately, including the issuing of an apology if appropriate.
- Once a complaint has been made the complainant can withdraw it at any time during the complaints process if resolved satisfactorily.
- It is good practice to have a nominated member of staff responsible for overseeing the management of schools complaints. This does not have to be the headteacher but could be another nominated member of staff. An appropriate title could be 'Complaints Co-ordinator'. In smaller school settings it would be usual practice for the headteacher to adopt this role.
- This person should take responsibility for overseeing the school records, the progress of each complaint, and the final outcome. A

complaint may be made in person, by telephone, or in writing. A brief note of meetings and telephone calls should always be kept and a copy of any written response added to the record. They should be held centrally in school.

- At each stage in the complaints procedure schools should keep in mind ways in which a complaint can be resolved at the earliest opportunity.
- Complainants should be encouraged to state what school actions they feel might resolve the problem. An admission by the school that the matter could have been better handled is not an admission of fault or negligence.
- An effective complaints procedure will identify areas of agreement between the parties. It is equally important to clarify misunderstandings at an early opportunity to create a positive atmosphere in which to discuss any outstanding issues.
- Complaints should not be shared with the whole GB, except in very general terms, in case a panel of governors without prior knowledge needs to be organised to investigate the complaint.
- The frequency with which the school complaints procedure must be reviewed should be determined by the GB. They may delegate responsibility to a committee of the GB, individual governor or the head teacher but the policy must be ratified by the GB. Reviews should take consideration of review dates set by the GB and new guidance or legislative changes as set by the DfE. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy.

School Complaints Procedure

Stage 1 [Informal] – Complaint heard by staff member.

- 1.1 In the first instance the complainant should make an appointment to discuss their concern with the appropriate member of staff.
- 1.2 The complainant can bring a companion with them to any proposed meeting.
- 1.3 As good practice a written record will be made of the meeting. All parties will have access to the record.
- 1.4 The person facilitating the meeting will ensure all parties are clear about any actions that have been agreed as a result.
- 1.5 This stage will be dealt with as speedily as possible and concluded in writing, as appropriate.
- 1.6 If no satisfactory resolution is reached the complainant can refer the complaint to the headteacher (if the headteacher was not the member of staff the concern was initially discussed with at point 1.1).
- 1.7 If the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complaint to another member of staff. The member of staff may be more senior but this is not a requirement. The ability to consider the complaint objectively and impartially is crucial.
- 1.8 Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2 [Formal] – Complaint heard by headteacher, or by Chair of Governors if the complaint is about the headteacher.

- 2.1 Once the complaint has been referred, the headteacher will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.
- 2.2 The headteacher should meet with the complainant and/or subject of the complaint, if appropriate.

- 2.3 The headteacher should meet, as appropriate, with any witnesses and take a note of any comments made from those involved.
- 2.4 Notes will be kept of all meetings, conversations and of the receipt of any documentation.
- 2.5 After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The headteacher may meet with the complainant to discuss their findings as he/she decides is appropriate.
- 2.6 The written record and response will include a full explanation of the decision reached and the reasons for this. If any action is to be taken at the school, this will also be identified.
- 2.7 The Stage 2 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days, however, every complaint is different and this may not always be possible. The headteacher will keep the complainant informed in writing of the on-going time scale.
- 2.8 If the complainant is not satisfied with the outcome of the Stage 2 investigation, or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

Optional 3rd Stage

Stage 3 [Formal] - Complaint heard by the Chair of Governors or another nominated governor

- 3.1 If the complainant is not satisfied with the response of the head teacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered at Stage 3.
- 3.2 Once the complaint has been received, the Chair of Governors (or another governor nominated by the Chair of Governors) will gain clarity over the complaint and gain any supplementary information which may lead to resolution at this stage.
- 3.3 The Chair of Governors (or nominated governor) should meet with the complainant and/or subject of the complaint, if appropriate.
- 3.4 The Chair of Governors (or nominated governor) should meet, as appropriate, with any witnesses and take a note of any comments made by those involved.

- 3.5 Notes will be kept of all meetings, conversations and of the receipt of any documentation.
- 3.6 After establishing all the relevant facts, a written response will be recorded and sent to the complainant. The Chair of Governors (or nominated governor) may meet with the complainant to discuss their findings as he/she decides is appropriate.
- 3.7 The written record and response will include a full explanation of the decision reached and the reasons for this.
- 3.8 The Stage 3 processes will take place within a reasonable time, and usual practice is that this may take up to 10 school days, however, every complaint is different and this may not always be possible. The Chair of Governors (or nominated governor) will keep the complainant informed in writing of the on-going time scale.
- 3.9 If the complainant is not satisfied with the outcome of the Stage 3 investigation the complainant should write to the Clerk to the Governing Body c/o the School Office and marked 'Private and Confidential' to request that their complaint is considered by a Complaints Appeal Panel. The complaints appeal panel will be formed of governors from the school's governing body.

Stage 4 [Formal] – Complaint heard by Governing Bodies Complaints Appeal Panel.

- 4.1 The complainant should write to the Clerk to the Governing Body c/o the School Office and marked 'Private and Confidential' giving full details of the complaint and requesting the Complaints Appeal Panel consider the matter. The Clerk to the Governors should acknowledge receipt within five school days.

- 4.2 The Chair of Governors, or if the Chair has been involved at any previous stage in the process, another nominated governor, will convene a Governing Body Complaints Appeal Panel.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

- 4.3 In line with good practice a Clerk will be appointed to the Governing Body Complaints Appeal Panel at the start of Stage 4 to support the process and be the point of contact for the complainant. It would be good practice to notify the headteacher of the complaint at this stage if they have not previously been involved in the process.

4.4 The Clerk to the Governing Body Complaints Appeal Panel will:

- Set a convenient date, time and venue for the complaint to be heard;
- Deal with all administration of the procedure;
- Take notes at any meetings;
- Be a single point of contact to facilitate communication between all parties;
- Draft and despatch letters as required;
- Liaise with the LA and other agencies for support/advice as requested.

4.5 The Complaints Appeal Panel must be established by drawing on governors with no prior or direct involvement with the complaint. It should also aim to provide a cross section of governors. If the whole GB is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese.

4.6 The headteacher must not serve on the Complaints Appeal Panel. The Chair of Governors must not serve on the Complaints Appeal Panel if s/he has had any prior involvement with the complaint.

4.7 Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors.

4.8 The Complaints Appeal Panel will be provided with any collated written material, reports, and relevant information and will consider the complaint on the basis of the written evidence available. The Complaints Appeal Panel may decide to request further clarification from the complainant and headteacher before writing and notifying them of the arrangements for the formal panel meeting. Any additional information received by the Complaints Appeal Panel must be shared with all parties prior to the meeting.

4.9 The Panel members will decide how the meeting will be conducted and who is present. The panel should decide whether to meet each party individually or invite all to attend at the same time.

4.10 The Clerk will write to all relevant parties informing them of the date and time of the meeting, whether the Panel will consider written evidence only or will be inviting them to attend and give

an outline of how the meeting will be conducted. The Clerk must include a copy of all relevant documents, policies or procedures that will be considered by the Panel at the meeting. Notification of the Panel meeting must be sent not less than five school days before the meeting.

All parties should acknowledge receipt of the meeting notification and all related documentation itemised in the accompanying letter.

4.11 Within reason, the Clerk will arrange a date and time for the Panel meeting that is convenient to the complainant and other relevant parties if they are attending in person.

4.12 The complainant has a right to be accompanied to the meeting by a friend/representative.

The friend/representative may:

- Confer with the complainant during the meeting;
- Ask questions of witnesses;
- Sum up the complainants complaint if requested by them.

The friend or representative may not:

- Answer questions on the complainants behalf;
- Address the Panel if the complainant does not wish it;
- Prevent the complainant from summarising the complaint.

4.13 Good practice requires all written evidence to be submitted prior to the meeting wherever possible so that it can be considered by all parties.

4.14 If necessary the Panel meeting will be adjourned if there is insufficient time to consider extra evidence received at the start of the meeting to enable it to be circulated and considered by all parties.

4.15 The Panel may wish to call witnesses to the meeting.

4.16 The complainant, and other parties previously involved in the complaint if invited, can expect the following process to be followed:

- The hearing will proceed in an informal, but appropriate manner;
- Witnesses shall be present only for the part of the hearing relevant to their involvement and may not remain for the entire hearing (at the discretion of the Chair of the Panel);
- Introductions shall be made by all parties present;
- The complainant will be invited to explain the complaint;
- The

headteacher will be invited to explain the reasons for decisions reached up to this point;

- If all parties are in attendance together, the complainant may then question the headteacher;
- If all parties are in attendance together, the headteacher may then question the complainant;
- The Panel may ask questions of any party at any time; ○ Witnesses, subject to prior approval by the chair of the complaints appeal panel, to be called;
- All parties to have the right to question all witnesses; ○ The complainant will be invited to sum up their complaint, and then the headteacher will be invited to sum up the school's position and response to the complaint.

4.17 At the conclusion of the Complaints Appeal Panel hearing the Chair of the Panel will inform the complainant and the headteacher that the Panel will consider its decision in private and will send a written response within 10 school days. At this point all parties other than Panel Members and the clerk must vacate the room.

4.18 The Panel will consider the original written complaint, along with all subsequent evidence that has been presented both orally, and in writing. The remit of the Panel is to:

- (a) Dismiss the complaint in whole or in part;
- (b) Uphold the complaint in whole or in part;
- (c) Decide what, if any, action should be taken to resolve the complaint;
- (d) Recommend any changes, if appropriate, to the school's processes or systems to ensure similar complaints do not arise again in the future.

The Panel will present their findings in writing.

4.19 The Clerk or Chair of the Panel will ensure the written findings outlining the Panel's decision is sent to both the complainant and the headteacher.

4.20 Stage 4 should be completed in 25 school days. However, this may not always be possible, especially if a complaint is complex, and where that is the case, the Clerk will ensure both parties are written to and advised of the revised target date.

4.21 There is no right of appeal against the Governing Body Complaints Appeal

Panel decision. If the complainant remains dissatisfied and believes the Panel has acted unreasonably in response to the complaint, the complainant should be advised to write to The School Complaints Unit (SCU) at: Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD or in some circumstances, Ofsted if the complaint is likely to lead to a determination there is a need to inspect. Ofsted cannot seek to resolve any individual complaint.

Role of The Secretary of State, Department for Education, School Complaints Unit

For The School Complaints Unit to become involved they would need to be sure that:

The school has acted or is proposing to act unreasonably in the exercise of performance of its functions imposed by or under the Education Act 1996.

Or

The school has failed to discharge any duty imposed by or for the purposes of the Education Act 1996.

If the complainant believes that this is the case they should refer to the Department for Education website where guidance can be found to support the next part of the process. The relevant guidance can be found at

<https://www.gov.uk/complain-about-school>

The complainant may find the following useful:

- Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or by going online at: www.education.gov.uk/help/contactus;
- The complainant must complete a complaints form and return it online or by post to the Department for Education, School Complaints Unit, Second Floor, Piccadilly Gate, Store Street, Manchester, M1 2WD;
- Copies of relevant documentation relating to the complaint may be sent with the form;
- The DfE will inform the complainant who will be handling the case and a timescale for the process when they have received the form;
- The DfE aim to initially respond within fifteen working days but update the complainant if the timescale is longer.

If the complainant remains unhappy with the service given by the DfE in processing the complaint they would need to contact the DfE complaints department and follow the DfE complaints procedure.

Role of Ofsted

It will not investigate cases to do with individual pupils.

A complainant can complain to Ofsted about any state school if there is a problem that affects the whole school. This includes problems with the quality of education or poor management.

Ofsted have an on line form and aim to respond within 30 working days.

Their initial response will tell you if Ofsted will investigate or not, and why.

<https://www.gov.uk/complain-about-school>

Serial and Persistent Complaints

There will be occasions when, despite all stages of the school's complaints procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the process by writing to the Chair of Governors, or any member of school staff, with the same complaint, the Chair of Governors may respond to them in writing that all stages of the school's complaints procedure have been exhausted and that the matter is now closed.

Sample Policy for Unreasonable Complainants

Harting Primary 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.

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

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;

- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

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

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

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

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Harting Primary School causing a significant level of disruption, we may specify methods of communication

and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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

Further guidance about how to deal with such complaints can be found on page

10 of the Best Practice Advice for School Complaints Procedures 2016

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf

Template Complaint Form

Harting Primary School: Formal Complaint Form

Please complete and return to the school office marked Private & Confidential to the headteacher or chair of governors who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

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

(Who did you speak to and what was the response)?

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

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

Signature:

Date:

Official use only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

APPENDIX A

Complaints on Religious Education and Collective Worship

Background

A complaints procedure was set up in 1990 for religious education and collective worship that set up arrangements for consideration and disposal of any complaint which is to the effect that the authority or the GB of any community school:

- has acted or are proposing to act unreasonably with respect to the exercise of any power in relation to:
 - o any provision of religious education or collective worship
 - o any enactment relating to religious education in the curriculum or religious worship in maintained schools.
- or have failed to discharge an such duty.

Categories of Complaints

- (i) the provision of religious education and worship which meets the general requirements set out in acts of parliament.
- (ii) The establishment of a Standing Advisory Council on Religious Education (SACRE) and the review of the agreed syllabus.

Stages of Complaint

Informal Stages

Concerns expressed by parents and others should be dealt with, as far as possible by informal discussions with teachers and headteachers. At this stage the LA could be involved in trying to resolve the issue informally. It is not the intention that expressions of concern should be considered as complaints.

Formal Stages

1. If the concern is not resolved at the informal stage then it becomes a complaint and is considered by the GB of the school or a panel thereof.
2. If the concern is not resolved by the GB then the complaint is considered by a panel of the Standing Advisory Council on Religious Education or the relevant Church.

Complaints heard by SACRE

Any panel of SACRE set up to hear a complaint shall consist of the chairman or vice-chairman of SACRE together with two other members at least one of whom shall be a member of the county council.

Complaints in Aided or Special Agreement Schools

Complaints relating to religious education or collective worship in Aided or Special Agreement Schools will be heard by a panel set up by the appropriate Church authority.

Complaints in Controlled Schools

Complaints relating to religious education in controlled schools will be heard by a panel of SACRE.

Complaints relating to collective worship will be heard by a panel set up by the appropriate church authority.

Contacts

- In relation to complaints regarding religious education or collective worship in community schools:
Nigel Bloodworth:
Durban House, Durban Road, Bognor Regis, PO22 9RE
e-mail: nigel.Bloodworth@westsussex.gov.uk
- In relation to complaints regarding religious education or collective worship in C of E Aided schools or collective worship in C of E Controlled schools:
Diocesan Director of Education
Church House, 211 New Church Road, Hove, East Sussex, BN3 4ED
- In relation to complaints regarding religious education or collective worship in Roman Catholic Aided and Special Agreement schools:
Director of Education
Diocese of Arundel & Brighton Christian Education Centre (DABCEC), 4 Southgate Drive, Crawley, West Sussex RH10 6RP

Reviewed June 2016

Appendix B Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-disciplineexclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: Whistleblowing Hotline (WBHL), Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Complaints within their own governing bodies – model guidance

Introduction

Other than regulations on suspension and removal of governors there are no nationally agreed procedures for dealing with complaints against governors by their peers. Suspension should be a last resort.

This document is intended as a guide to the action to be taken in the event of a complaint being made against a governor and is recommended for adoption by governing bodies (GBs) in West Sussex maintained schools.

The guidance corresponds with NGA Model Code of Practice for School Governors 2010/11 and can be similarly adopted when discussed and understood. It is acknowledged that all governing bodies are autonomous and the recommendations and suggestions that are made apply equally to all members of governing bodies.

Background

Governing Bodies are corporate bodies and as such, no individual governor has any special powers, except for the Chair of Governors who may act on behalf of the governors in cases of urgency.

The power that lies with governing bodies does so corporately and decisions are reached by a majority of governors present voting following discussion.

Whilst governors are required to act as “critical friends” to the senior managers within the school, they should do so constructively and from a position of trust. Governors are required to promote high standards within the school.

Governors do not bring a mandate from the group that may have selected, or elected, them to the governing body. Although governors are volunteers, they are obliged to follow the principles that underpin the standards of those holding public office. These are appended to the NGA Code of Practice (Appendix 1).

Governing bodies are strongly advised to have adopted such a Code of Conduct to ensure that all governors know the agreed way of working and behaving in order that their work can focus on the key role of school improvement. Any concern regarding a governor’s conduct should be challenged at the earliest opportunity.

Occasionally concerns may arise relating to the behaviour and or actions of an individual governor. This guidance is designed to advise governing bodies what to do in the event of this happening and to ensure that all members of a governing body are treated fairly and equally, irrespective of gender, age, race, disability, religion and belief, sexual orientation or gender reassignment.

General principles

The underlying principle is to enable governing bodies to function in an effective and co-operative manner. Concerns, therefore, ought to be handled without the need for formal procedures. For example, it would be helpful if the recipient of the initial concern were able to resolve the matter without the need to resort to formal procedures.

Timescale

All concerns should be dealt with as quickly and efficiently as possible and realistic time limits set for each action. Governors are volunteers and may not be as available as employees. They should be made aware at which stage the matter is being dealt with by reference to this guidance (e.g. Stage 1 (informal) or Stage 2 (formal)). However, where investigations are complex, new time limits can be set as long as the complainant and the subject of the complaint are kept informed of the reasons for the delay and given new deadlines.

Role of the clergy in schools with a religious character.

In church schools the role of clergy who serve as ex officio governors should be considered before this guidance is adopted. If preferred, members of the clergy can remain outside the stages set out below in order to exercise pastoral care to those affected by any disagreement when it is concluded.

Parties involved in any complaint between governors should be clear from the outset if clergy will be managing the process, or likely to be part of a panel at stage 2 or acting in a pastoral capacity once the process is concluded. Clergy might also wish to remain outside these processes so that they can be available for one of the possible outcomes: mediation.

Stage 1: Informal Process

Where the actions and / or behaviours of a governor are a cause for concern to an individual within the GB, the chair of governors should be approached. Where the concerns relate to the chair, then the vice chair should be approached.

The chair should arrange a meeting with the complainant in order to establish the nature of the complaint and what the complainant is wishing to see as an outcome.

Where possible, the nature of the concern should be recorded in writing to provide a consistent reference point for the chair and the governor who is to be approached. The chair should not share this concern with any other governor (see stage 2).

The chair should then meet the governor who is the subject of the complaint to explain the nature of the complaint against them and seek to resolve the difficulty. If the chair wishes, he or she can seek advice from the LA (or the diocese in the case of church aided schools).

The chair should approach the matter with an open mind, listening carefully, not jumping to conclusions, and exploring all the issues thoroughly.

If, after meeting both the complainant and the governor, the chair feels that the matter cannot be resolved without further action a further meeting should be held with the governor. Steps that can be taken should be outlined by the chair.

For example, the chair might suggest to the governor concerned that he or she may wish to explain any misunderstanding that had occurred, make a verbal or written apology, participate in further training or that some kind of conciliation or mediation may be appropriate. Training and support may be needed for the whole governing body and not just the governor who is the subject of the complaint.

It is very important that governors are open and transparent when dealing with individual governors in order to avoid claims of discrimination, victimisation or harassment. A log of actions taken and reasons for these is advisable.

All efforts should be made to try to resolve the complaint without the need to resort to formal procedures.

Stage 2: Formal Process

When a complaint cannot be resolved informally, then the matter is dealt through a formal process. There are no nationally agreed procedures for dealing with complaints against governors. When inducted into your governing body any new governor should subscribe to the code of practice and this guidance so that this process can be used in the event of any difficulty.

The Chair may contact the LA / diocese to determine the most appropriate course of action. With advice and guidance from the LA / diocese the chair should initiate a formal investigation. This may involve setting up a complaints panel from within the Governing Body to undertake an investigation. With potentially complex or serious matters the governing body may choose to commission governors from another school, an external consultant or the LA / diocese to undertake an investigation.

The process for the investigation will involve:

- Insistence that all parties treat the matter as confidential
- Establishing the nature of the complaint
- The outcomes expected by the complainant
- Recognition that the office of governor is a voluntary one and affording the governor the courtesy of accompaniment in any interview situation
- Gathering of evidence which may include interviews with third parties •
- Conclusions for the chair of the panel to consider
- Discussions regarding the outcomes with the subject of the complaint

Options available to Governing Bodies when dealing with concerns about the conduct of a governor:

1. The complaint was unfounded, a misunderstanding or that there was no case to answer
2. Apology
3. Mediation or conciliation
4. Training
5. Suspension from the governing body (School Governance (Procedures) (England) Regulations 2003)
6. Removal from the governing body (School Governance (Constitution) (England) Regulations 2007)

Please note that staff and parent governors, being elected, cannot be removed and can only resign. It is strongly advised that any potential removal of foundation or LA governors is discussed with the diocese or the LA. Options 5 and 6 should only be exercised in serious circumstances.

1: Not upheld

The chair would notify both parties in person but record the reasons given and any responses made.

2: Apology

In most cases a verbal or written apology would usually suffice.

3: Mediation or conciliation

Where mediation or conciliation is appropriate it could be facilitated by the Chair, or an impartial facilitator e.g. a diocesan or LA officer.

4: Training

It may be acknowledged that training would be helpful in finding a way forward, either for the individual or the governing body as a whole.

5: Suspension of Governors

The governing body should only use suspension after seeking to resolve any difficulties or disputes in more constructive ways, as outlined above.

A governing body can vote to suspend a governor of any category for a period of up to six months. This power must be used 'reasonably and lawfully'.

Suspension of a governor should be considered where the concern continues, or it is of a more serious nature. Regulations allow for the matter to be dealt with by the governing body.

Any motion to suspend must be specified as an agenda item of a governing body meeting for which at least seven days notice has been given. If stages 1 and 2 have not previously been followed it is recommended that a conversation takes place between the chair and the subject of the complaint.

Governors who have been proposed for suspension must be given the opportunity to make a statement in response before they withdraw from the meeting and a vote is taken.

Governors can only be suspended for one or more of the following reasons:

- they are paid employees at the school and the subject of disciplinary proceedings in relation to their employment;
- they are the subject of a court or tribunal proceedings, the outcome of which may mean disqualification as a governor;
- they have behaved in a way that is inconsistent with the school's ethos or religious character and have brought, or are likely to bring, the school or governing body or their office of governor into disrepute;
- they are in breach of the duty of confidentiality to the school or staff or to the pupils.

The procedure to follow at the meeting is covered in **Appendix 2**.

6: Removal of Governors

If the previous stages have not resolved the concerns, or if the concerns are of an extreme nature, the removal of a governor is the last resort. Where removal of a governor is deemed necessary the LA / Diocese should be consulted to ensure the process and regulations are followed correctly.

Removal of governors is only possible for certain categories of governors. The basic principle is that a governor may be removed from office by the body that appointed him or her. Therefore on the basis that the governing body appoints the following categories of governor, accordingly, the governing body may remove them from office:

- Community governors
- Partnership governors
- Parent governors who have been appointed (it is important to note that parents governors who have been elected may not be removed by the governing body)
- Any sponsor governors (it may also do so at the request of the nominating body).
- LA and Foundation governors may be removed from office by the appointing body, i.e. the LA or the Diocese

See **Appendix 3** for details of the procedure governing bodies must follow.

Disagreement with the outcome

The complainant or the governor may disagree with the outcome of the complaint investigation and the proposed remedy.

If a complainant or the subject of the complaint does not feel their complaint has been appropriately handled, the Chair of Governors may also ask the LA or diocese to review whether the decision was reasonably made.

For this reason all documentation related to the process should be retained as part two minutes of the GB business.

Any advice provided by the LA in these instances is not binding upon the Governing Body, but it may enable an independent view to be obtained upon the complaint handling.

The Governing Body of Harting Primary School adopted this guidance as a means of resolving any internal complaints. This code of practice is formally accepted by Governors at the Autumn Full Governing Body meeting each year.

Appendix 1

National Governors' Association's Code of Practice for School Governors 2010/11

The National Governors' Association has for a number of years recommended that governing bodies adopt a code of practice which sets out the purpose of the governing body and describes the appropriate relationship between individual governors, the whole governing body and the leadership team of the school. NGA has included a specimen code of practice in our annual publication '*Welcome to Governance*', and we know that many governing bodies do already have a code of practice or code of conduct and indeed ours has been based on a number of codes already in use. However there are also many governing bodies which do not yet have a code of practice and the NGA wants to help spread this good practice.

We offer the following code as a starting point built on the best practice from around the country, and would like to thank all who have contributed to its development. Each governing body may want to tailor this recommended code to their own situation. We recommend that such a code should be thoroughly discussed so that the whole governing body has ownership of it. Once it has been adopted, the governors should be asked to review it and sign it on an annual basis, ideally at the first meeting in the autumn term. This is not meant to be a recruiting document for prospective governors; and contact us if you are developing such material.

NGA's Code of Practice for School Governors 2010

This code sets out the expectations on and commitment required from governors in order for the governing body to properly carry out its work within the school and the community. It can be amended to include specific reference to the aims and ethos of the particular school.

The purpose of the governing body

The governing body is the school's accountable body. It is responsible for the conduct of the school and for promoting high standards. The governing body aims to ensure that children are attending a successful school which provides them with a good education and supports their well-being. Over the past decade the responsibilities of governing bodies have grown; and the 'Every Child Matters' agenda has meant that schools are now accountable for children's health and well-being in the community and for a wide range of extended services provision out of school hours.

The governing body:

- Sets the strategic direction of the school by:
 - Setting the values, aims and objectives for the school
 - Agreeing the policy framework for achieving those aims and objectives
 - Setting statutory targets
 - Agreeing the school improvement strategy which includes approving the budget and agreeing the staffing structure
- Challenges and supports the school by monitoring, reviewing and evaluating:
 - The implementation and effectiveness of the policy framework

- Progress towards targets
- The implementation and effectiveness of the school improvement strategy
- The budget and the staffing structure
- Ensures accountability by:
 - signing off the Self Evaluation Form
 - responding to School Improvement Partner and Ofsted reports when necessary
 - holding the headteacher to account for the performance of the school
 - ensuring parents and pupils are involved, consulted and informed as appropriate
 - making available information to the community
- Appoints and performance manages the headteacher who will deliver the aims (through the day to day management of the school, implementation of the agreed policy framework and school improvement strategy, and delivery of the curriculum) and report appropriately to the governing body.

For governing bodies to carry out their role effectively, governors must be:

- Prepared and equipped to take their responsibilities seriously;
- Acknowledged as the accountable body by the lead professionals;
- Supported by the appropriate authorities in that task; and
- Willing and able to monitor and review their own performance.

The role of a governor

In law the governing body is a corporate body, which means:

- no governor can act on her/his own without proper authority from the full governing body;
- all governors carry equal responsibility for decisions made, and
- although appointed through different routes (i.e. parents, staff, Local Authority Community, Foundation), the overriding concern of all governors has to be the welfare of the school as a whole.

General

- We understand the purpose of the governing body and the role of the headteacher as set out above
- We are aware of and accept the Nolan seven principles of public life: see appendix
- We accept that we have no legal authority to act individually, except when the governing body has given us delegated authority to do so, and therefore we will only speak on behalf of the governing body when we have been specifically authorised to do so.
- We have a duty to act fairly and without prejudice, and in so far as we have responsibility for staff, we will fulfil all that is expected of a good employer.
- We will encourage open government and will act appropriately.
- We accept collective responsibility for all decisions made by the governing body or its delegated agents. This means that we will not speak against majority decisions outside the governing body meeting.
- We will consider carefully how our decisions may affect the community and other schools.

- We will always be mindful of our responsibility to maintain and develop the ethos and reputation of our school. Our actions within the school and the local community will reflect this.
- In making or responding to criticism or complaints affecting the school we will follow the procedures established by the governing body.

Commitment

- We acknowledge that accepting office as a governor involves the commitment of significant amounts of time and energy.
- We will each involve ourselves actively in the work of the governing body, and accept our fair share of responsibilities, including service on committees or working groups.
- We will make full efforts to attend all meetings and where we cannot attend explain in advance in full why we are unable to.
- We will get to know the school well and respond to opportunities to involve ourselves in school activities.
- Our visits to school will be arranged in advance with the staff and undertaken within the framework established by the governing body and agreed with the headteacher.
- We will consider seriously our individual and collective needs for training and development, and will undertake relevant training
- We are committed to actively supporting and challenging the headteacher.

Relationships

- We will strive to work as a team in which constructive working relationships are actively promoted.
- We will express views openly, courteously and respectfully in all our communications with other governors.
- We will support the chair in their role of ensuring appropriate conduct both at meetings and at all times.
- We are prepared to answer queries from other governors in relation to delegated functions and take into account any concerns expressed, and we will acknowledge the time, effort and skills that have been committed to the delegated function by those involved.
- We will seek to develop effective working relationships with the headteacher, staff and parents, the local authority and other relevant agencies and the community.

Confidentiality

- We will observe complete confidentiality when matters are deemed confidential or where they concern specific members of staff or pupils, both inside or outside school
- We will exercise the greatest prudence at all times when discussions regarding school business arise outside a governing body meeting.
- We will not reveal the details of any governing body vote.

Conflicts of interest

- We will record any pecuniary or other business interest that we have in connection with the governing body's business in the Register of Business Interests.
- We will declare any pecuniary interest - or a personal interest which could be perceived as a conflict of interest - in a matter under discussion at a meeting and offer to leave the meeting for the appropriate length of time.

Breach of this code of practice

- If we believe this code has been breached, we will raise this issue with the Chair and the Chair will investigate; the governing body should only use suspension as a last resort after seeking to resolve any difficulties or disputes in more constructive ways;
- We understand that any allegation of a material breach of this code of practice by any governor shall be raised at a meeting of the governing body, and, if agreed to be substantiated by a majority of governors, shall be minuted and can lead to consideration of suspension of the governing body.
- We are aware of the provisions of regulation 15(1) of the School Governance (Procedures) (England) Regulations 2003, as amended, which pertain to the grounds for suspension as a school governor and of Schedule 6 to the School Governance (Constitution) (England) Regulations 2007 relating to the disqualifications from the role of school governor (held as a separate document)

The Governing Body of Harting Primary School adopted this code of practice, ratified at the Autumn Full Governing Body Meeting. Governors will sign the Code at the first governing body meeting of each school year.

Undertaking:

As a member of the Governing Body I will always have the well-being of the children and the reputation of the school at heart; I will do all I can to be an ambassador for the school, publicly supporting its aims, values and ethos; I will never say or do anything publicly that would embarrass the school, the Governing Body, the Headteacher or staff.

Signed

Printed name

Date:



Appendix: The Seven Principles of Public Life

(originally published by the Nolan Committee: The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations).

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Appendix 2 Guidance on Suspension of a Governor Prior to the Meeting

Suspension of a governor must be an item on the agenda for the full governing body meeting.

At the Meeting

The governor is not allowed to bring a representative to the meeting. Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution shall at the meeting state his or her reasons for doing so.

The governor who is the subject of the resolution shall be given the opportunity to make a statement in response before withdrawing from the meeting. A vote will be required by secret ballot and the governor allowed back in the room to witness the count. A resolution is passed by the governing body.

If the majority vote is that the governing body agree to the suspension then the governor is asked to leave the meeting. If the vote is against the suspension of the governor, normal proceedings will continue.

Non – attendance at the meeting

If the governor that is the subject of suspension fails to turn up at the meeting at which suspension is an item on the agenda, the suspension cannot proceed. A further meeting would need to be arranged (giving full notice) with the item on the agenda again. The governor would need to be informed in writing of the importance of his/her attendance at this second meeting to allow him/her to make a statement. However if he/she is not able to attend he/she can send a statement to the Chair, which the governors will consider at the meeting before making a decision. The governing body can at this meeting make the decision to suspend the governor. This needs to be recorded in the minutes and the governor informed in writing.

School Governance (Procedures) (England) Regulations 2003 Suspension of governors 15. –

- (1) Subject to paragraphs (2), (3) and (4), the governing body may by resolution suspend a governor for all or any meetings of the governing body, or of a committee, for a fixed period of up to 6 months on one or more of the following grounds –
- (a) that the governor, being a person paid to work at the school, is the subject of disciplinary proceedings in relation to his employment;
 - (b) that the governor is the subject of proceedings in any court or tribunal, the outcome of which may be that he is disqualified from continuing to hold office as a governor under Schedule 6 to the Constitution Regulations;
 - (c) that the governor has acted in a way that is inconsistent with the ethos or with the religious character of the school and has brought or is likely to bring the school or the governing body or his office into disrepute;
 - (d) that the governor is in breach of his duty of confidentiality to the school or to any member of staff or to any pupil at the school.

(2) A resolution to suspend a governor from office shall not have effect unless the matter is specified as an item of business on the agenda for the meeting of which notice has been given in accordance with regulation 11(4).

(3) Before a vote is taken on a resolution to suspend a governor, the governor proposing the resolution shall at the meeting state his reasons for doing so, and the governor who is the subject of the resolution shall be given the opportunity to make a statement in response before withdrawing from the meeting in accordance with paragraph 2(2) of the Schedule.

(4) Nothing in this regulation shall be read as affecting the right of a governor who has been suspended to receive notices of, and agendas and reports or other papers, for meetings of the governing body during the period of his suspension. (5) A governor shall not be disqualified from continuing to hold office under paragraph 5 of Schedule 6 to the Constitution Regulations for failure to attend any meeting of the governing body while suspended under this regulation.

Appendix 3 School Governance (Constitution) (England) Regulations 2007 Removal of LEA and foundation governors

24.—(1) Any LEA governor or foundation governor may be removed from office by the person who appointed him, who must give written notice thereof to the clerk to the governing body and to the governor so removed.

(2) A person proposing the removal of an ex officio foundation governor must inform the clerk to the governing body and the governor in question in writing of the reasons why he is proposing his removal.

(3) The governing body may, in accordance with the procedure set out in regulation 27, remove any ex officio foundation governor at the request of the person named in the instrument of government as the person entitled to make such a request.

Removal of community governors, partnership governors and sponsor governors

25.—(1) Any community governor, partnership governor or sponsor governor may be removed from office by the governing body in accordance with the procedure set out in regulation 27.

(2) A nominating body proposing the removal of such a governor must inform the clerk to the governing body and the governor in question in writing of the reasons why it is proposing his removal.

(3) The governing body may, in accordance with the procedure set out in regulation 27, remove any community governor appointed in accordance with Schedule 3, or any sponsor governor at the request of the nominating body.

(4) In this Part, "nominating body" means any person from whom nominations were sought for the purpose of appointing, and who nominated, the governor in question.

Removal of appointed parent governors

26. Any parent governor appointed by the governing body under paragraphs 9 to 11 of Schedule 1 may be removed by the governing body in accordance with the procedure set out in regulation 27.

Procedure for removal of governors by the governing body

27.—(1) This regulation applies in relation to the removal of a governor from office in accordance with regulation 24(3), 25 or 26.

(2) A resolution to remove a governor from office which is passed at a meeting of the governing body will not have effect unless—

(a) in relation to the removal of a governor under regulation 24(3) and 25(3), before the governing body resolve to remove the governor from office, the clerk to the governing body gives the reasons for removal provided by the person referred to in regulation 24(3) or by the nominating body (as appropriate) and the governor whom it is proposed to remove is given an opportunity to make a statement in response;

(b) in relation to the removal of a community governor, a partnership governor or a sponsor governor under regulation 25(1) or a parent governor under regulation 26, before the governing body resolve to remove the governor from office, the governor or governors proposing his removal at that meeting state their reasons for doing so and the governor who it is proposed to remove is given an opportunity to make a statement in response;

(c) it is confirmed by a resolution passed at a second meeting of the governing body held not less than fourteen days after the first meeting; and

(d) the matter of the governor's removal from office is specified as an item of business on the agenda for each of those meetings.