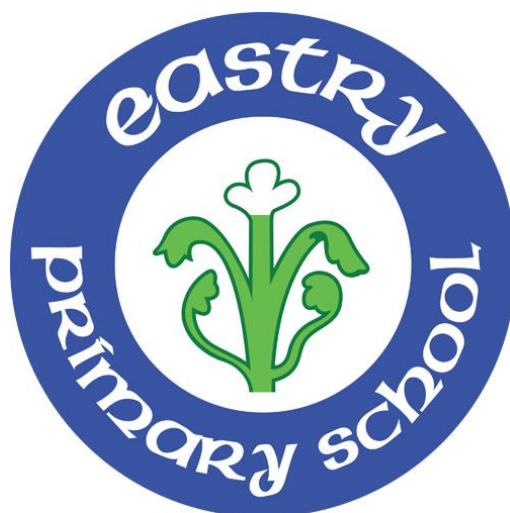


Eastry Church of England Primary School



School Complaints Procedures

**Policy Agreed; March 2019
Policy Review; March 2020**

School Complaints Procedure

Our School is committed to providing the very best education for our young people and we want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible.

School Governing Bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. Sometimes when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following lists specific topics and the correct policy to refer to should you have a concern or complaint. You can access these policies on the School website or ask for a copy from the School office.

- Pupil Admissions: please see the School's Admissions Policy or contact Kent County Council Admissions team
- Pupil Exclusions; please see the school's Behaviour Policy
- Special Educational Needs: The Complainant can use this policy to complain unless the Complainant's child has an Education Health and Care Plan and the Complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the Complainant needs to contact the Local Authority.
- Staff grievance, capability or disciplinary; these are covered by separate School Policies and Procedures
- Anonymous complaints: Please refer to the School's Whistleblowing Policy
- Subject Access Requests and Freedom of Information Requests: please see the School's Data Protection and Freedom of Information Policies

Aims and Principles of the Policy

This Policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the School and all those involved

Our school family is committed to sustaining and growing a nurturing, learning community. We strive to promote a welcoming and open ethos to ensure all feel happy, safe and respected. We value each member of our community as unique individuals where all are encouraged and inspired to fulfil their potential as God intended.

Learning and growing, side by side in God's love.

Our vision will be realised by all children, staff, parents and governors working together in partnership following our Christian values of compassion, joy, perseverance, respect and welcoming.

Where concerns are raised, the School intends for these to be dealt with fairly, openly and promptly. The Governing Body has approved the following procedure which explains what the Complainant should do if they have any concerns about the school.

Where appropriate, the School may offer mediation to resolve a concern or complaint at any stage of the process. The School may also use someone independent from the School to investigate a complex issue and to report back to the Headteacher or Chair of Governors (depending on which stage of the process the complaint is being dealt with).

The Governing Body has agreed to use governors from the STAR alliance

Raising Concerns

The majority of concerns can be dealt with without resorting to the complaints procedure. Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, raise this with their child's class teacher in the first instance. Ideally they will be able to address the Complainant's concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

Recording Complaints

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- 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 should be kept and a copy of any written response added to the record. 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;
- Schools should record the progress of the complaint and the final outcome. The headteacher or complaints co-ordinator should be responsible for these records and hold them centrally.
- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, we ask that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by the school and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

Complaints about the Headteacher or the Governors

Where a complaint concerns the actions of the Headteacher, the complainant should first approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors care of the Clerk to the Governing Body that they wish to take a complaint forward. The Stage 2 process will then commence and the Chair of Governors will take the process forward.

Where a complaint concerns a Governor, the complainant should notify in writing the Chair of Governors care of the Clerk to the Governing Body. Where a complaint concerns the Chair of Governors this should be made in writing to the Clerk of the Governing Body. For Complaints against any member of the Governing Body Appendix 4 should be followed.

The Stages of the Complaints Process

(flowchart of process at appendix 2)

Stage 1 – Informal Complaint

The Complainant should start by sharing their concern with the class teacher/form tutor. This is usually the best and quickest way of resolving issues. In some cases the class teacher may feel it more appropriate to refer the Complainant to a more senior or experienced member of staff who will try to resolve the concern informally.

- *It is recommended that the Complainant makes an appointment to speak to the class teacher or form tutor as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted*
- *It is important to recognise that Schools are busy organisations and may not be able to offer an appointment straight away*
- *The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem*
- *It is good practice for the class teacher or form tutor to make a brief written record of the concerns raised and any actions agreed*
- *They may need to talk to others before they can respond to you. The Complainant should be given a timescale for a response ie 5 working school days*

Stage 2 – Formal Written Complaint (non- parental complaints are likely to go straight to this stage)

If the complainant feels dissatisfied with the outcome of discussions with the class teacher or form tutor, they should then contact the Headteacher either by arranging an appointment to see them, or by putting their complaint in writing. *The Complainant may use the form attached as appendix 1 to do this.*

If the Complainant is not using the form, their letter should set out clearly the concern and why they feel the issue has not been resolved through informal channels. It is also helpful if the Complainant can set out what resolution they are seeking.

- The Headteacher will consider the complaint and in doing so will:
 - Establish what has happened so far, and who has been involved;
 - Meet or contact the Complainant if they need further information;
 - Clarify how the Complainant may feel things could be put right, if this has not been set out in their letter or included on the Complaints form;
 - Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
 - Conduct any interviews with an open mind;
 - Keep notes of any interview for the record

- The Headteacher will keep in mind ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology
 - an explanation
 - an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
 - an assurance that the event complained of will not recur
 - an explanation of the steps that have been taken to ensure that it will not happen again
 - an undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Headteacher will discuss the outcome with the Complainant and should send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, the Complainant will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where the Complainant is unhappy about the decision the Headteacher has made about their complaint, this does not become a complaint about the Headteacher or staff member concerned. However, the Complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the clerk to the governing body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel is convened.

Where the complaint is about the actions of the Headteacher see flow chart

If the Complainant is not satisfied with the response from the Headteacher at stage 1 (informal discussion with the Headteacher) they should be advised that the next stage is to put their complaint in writing to the Chair of Governors care of the Clerk to the Governing Body. When writing the initial letter to the Chair of Governors (using the form at the end of this procedure) the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

The Chair of Governors should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the

investigation and that the investigator will write to the Complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The Complainant should be advised if this is the case.

The Chair of Governors will be responsible for carrying out an investigation or appointing another Governor to carry out the investigation who will then reach a conclusion based on the investigation. The involvement of the Local Authority should be sought where the issues cannot be resolved internally by the school or the expertise of carrying out investigations is required. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating Governor may feel it necessary to meet with the Complainant. The Investigating Governor should produce notes of this interview.

Before the Investigating Governor interviews a member/s of Staff, they must be informed that they may be accompanied by a Colleague.

At the conclusion of their investigation the Investigating Governor will compile a report detailing their findings and any recommendations or proposed actions.

Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the Investigating Governor or in the case of an independent investigation, the Chair of Governors, will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out above. The Investigating Governor may feel it appropriate to meet with the Complainant to communicate their findings.

The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld and an apology given;
- The complaint was substantiated in part or in full which may include details of how the school may improve future practice (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld;

At this stage the Complainant will be told that consideration of the complaint by the Chair of Governors at Stage 2 is now concluded. Where the Complainant is unhappy about the decision the Chair of Governors or Investigating Governor has made about their complaint, this does not become a complaint about the Chair of Governors/ Investigating Governor, however, the Complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the Clerk to the

Governing Body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel is convened. See Stage 3 below.

Stage 3 – Governor Panel

If the Complainant is not satisfied with the response of the Headteacher or Chair of Governors (for a complaint specifically about the Headteacher) which has not been resolved in the stage above then they must write to the Clerk to the Governing Body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor complaints Panel is convened and marking any envelope or email “urgent, private and confidential” to the Clerk to the Governors c/o Eastry Primary School

- *The Clerk to the Governing Body will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the Complainant that three members of the School’s Governing Body (which may include or comprise of Governors from the STAR Alliance) will hear the complaint within 20 school working days of receiving the complaint. The letter will invite the Complainant to attend and also explain that they have the right to submit any further documentation relevant to the complaint. The Complainant may bring a friend or someone else for support.*
- *A meeting of the Governors Complaints Panel will be convened. No Governors with prior involvement in the issues complained about will be included on the Panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. An experienced Governor will chair the Panel meeting. The Clerk of the Complaints Panel will contact the Complainant with the arrangements.*
- *Once the Panel has been held, the Complainant and the school will be informed of their decision within five school working days. If it is not possible to meet these timescales then the Clerk of the Panel will contact both parties to discuss a mutually convenient date. Further information on how the Panel operates and the process is attached at appendix 3.*

Stage 4 – Escalation to Secretary of State for Education

If the complainant remains unsatisfied by the outcome of the Governor’s Panel, they will be advised to contact the Secretary of State for Education. 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.

The School Complaints Unit considers complaints relating to local authority maintained Schools in England on behalf of the Secretary of State. They will look at whether the school’s complaints policy and other relevant statutory policies were adhered to. They will also check whether the school’s policy adheres to education legislation. However the unit will not re-investigate the substance of the complaint. This remains the responsibility of the school. If the Schools Complaints Unit finds that the school has not handled a complaint in accordance with its procedure, the unit may request that the complaint is looked at again.

The School Complaints Unit can be contacted by calling the national helpline on 0370 000 2288 or by 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

Policy for unreasonable complaints

Our 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 complaints 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*'.

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

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

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, 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 barring an individual from school premises.

Barring from the School Premises

Although fulfilling a public function, Schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a 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. Schools should always give the parent the opportunity to formally express

their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Dealing With Complaints against Schools and Settings by Parents or Carers on Social Networking Sites

1. Gather evidence

When the school becomes aware of any information that is damaging towards an individual member of staff and/or the school community, it is important to gather evidence (such as screen shots and print-outs, includes times, dates and names where possible and ensuring the identity of the person who reported the issue is removed) and establish exactly what has been posted. This may have to be done through various methods as the information may have only been shared through the connections of specific people. However, it is important that verbal or written evidence be submitted so that the facts can be established.

When dealing with cases involving Facebook, a group of parents may have set up a site or closed/secret group to comment about or in some cases, criticise the school or individual members of staff. This is usually done through a Facebook page which is then 'liked' by those with an account or via closed or secret group whereby members have to request to join or be invited by another group member. On a Facebook page the comments will always be public; however in a closed or secret group they will only be visible to other group members. It is important (where possible) to find out who has set up the page or group, as usually this is the parent or carer who has the grievance. It is also essential, at this stage, that members of staff (including non-teaching staff) and governors do not become embroiled in any of the discussion threads as this sometimes can inflame the situation. It can sometimes be difficult to trace the owner of a Facebook "page" however a closed group will publically identify the members any members and also which members are "administrators".

In some cases Parents may post comments on their own personal Facebook profiles. The visibility of these comments will depend on the individual parent's privacy settings. If a comment is public (this is indicated by the presence of a globe icon next to the post) then it will be visible to anyone who has access to the internet, even if they do not have a Facebook account. Other privacy settings may include "friends only" (only those people who are friends with the original poster can see the comment) or "friends of friends". It is important for all Facebook users to be aware that even if a comment has been shared with "friends only" it is still possible for other users to "share" their friend's comments with their own Facebook friends or take screenshots.

In cases where comments have been shared with "friends only" it is essential that headteachers ensure that the identity of the person who brought the concern to the schools attention is protected as far as possible.

2. Reassuring those affected

a. Supporting Staff

If individual members of staff have been targeted or mentioned, then Headteachers will need to be mindful of their duty of care to those involved as there is a specific duty on employers to protect their staff from third party harassment.

Headteachers should explain to the member of staff how they intend to address the concerns and consider what support could be offered to them and encourage them to let school leadership know if there is any further support that they feel they need. Appropriate support will depend on the nature of the concerns and the reaction of the individual.

Staff may wish to contact their professional/teaching union for additional support and guidance or access support via the Education Support Network:
www.educationsupportpartnership.org.uk

Staff and Headteachers can also access help via the Professional Online Safety Helpline:
www.saferinternet.org.uk/about/helpline

The school may also want to take further advice on this issue from Schools' Personnel Service (www.the-sps.co.uk)

Additional links:

- The Professionals online safety helpline has useful guidance for schools and settings: www.saferinternet.org.uk/news/minimising-reputational-risk-advice-for-professionals
- Childnet Teacher Guidance: www.childnet.com/teachers-and-professionals/for-you-as-a-professional
- The Department for Education Preventing and Tackling Bullying (November 2014) www.gov.uk/government/publications/preventing-and-tackling-bullying
- Kent Education Safeguarding Team provides advice and support via the Education Safeguarding adviser (Online Protection) and Area Safeguarding Advisers and provides online templates and guidance at: www.kelsi.org.uk/pupil_support_and_wellbeing/safety_health_and_wellbeing/child_protection_safeguarding/e-safety.aspx
- If the Headteacher is a member of the NAHT then they also have very useful guidance on their website.

b. Other members of the community

There have been cases where negative or malicious comments posted on social media have not been about a member of staff but have been made against a child or another parent. It is important that Headteachers are aware of the need to promote the wellbeing and safety of the whole school community. However they should also be aware of some of the limitations and be clear about how achievable this may be in some cases.

In some cases there may be a requirement for Headteachers to consider the potential safeguarding impact (including emotional consequences or the potential risk to physical safety) of children if comments are made online about them by parents. This may require involvement of other external agencies in line with existing safeguarding procedures. If Headteachers are unclear they should seek advice from the Education Safeguarding Team.

When responding to issues where parents are writing negative or unkind comments

about other parents, the school may need to consider how best to mediate concerns (if appropriate) and to what extent they are able to resolve concerns if they are having a detrimental impact on the school. In some cases such as where there is a concern regarding physical violence Headteachers may need to involve other agencies.

3. Meet with parents or carers involved

In many cases the reason why a parent or carer has made comments about the school or staff members on a social networking is due to ignorance about the implications of making such comments or because they are unaware of or disillusioned with the school's complaints procedure.

The best approach to resolving this issue is to invite the parents involved into school and to explain that the school would like to work with them to resolve the problem that is obviously causing them distress. Headteachers should address the matter of social networking with them and explain how this behaviour can have a detrimental impact on the school and potentially their children's education while not allowing the school to actually address their concerns.

At this stage, it is important that the headteacher requests that any offending posts or pages are immediately removed and encourages the parents to work with the school, following the schools complaints procedure if they are unhappy.

It can be helpful, at this point, to discuss the importance of considering any messages they post online in the future, as these can have a detrimental impact on themselves as well as the wider school community. Parents should be made aware that comments posed online (even if made "privately") can easily be misread or misinterpreted and can also be shared without their knowledge or consent.

In the majority of incidents a meeting with the parents can resolve the matter and the headteacher can identify the particular concern and ensure that a suitable solution is put into place, or instigate the school complaints process. At this meeting it is important that printouts of the allegations or comments are available (again ensuring that any content which could identify the individual who brought it to the schools attention is removed).

Advice on how to delete or report a Facebook comment, page or group can be found in appendix 3.

If the meeting does not have a successful outcome then it is important for the headteacher to stress that the school may have to take further action to resolve the matter. Although it is essential not to cause any further problems, the professional status of staff and the school needs to be maintained and it cannot be compromised by any malicious comments or allegations. The school may want to warn the parents that any existing comments or a continuation of posts could lead to criminal action being taken, although the school would prefer to avoid having to take this route. If parents refuse to remove content which breaks Facebooks terms and conditions then headteachers can report the concern to Facebook (see appendix 3) or escalate the concern to the Professional Online Safety helpline:

www.saferinternet.org.uk/about/helpline .

If headteachers think that an offence has been committed or believe that speaking directly to the parents would lead to a confrontation then they should contact their

Local Kent Police contact to work together and support the school in discussing this with the parent concerned in more detail.

4. Further Action

If the matter is not resolved through a face to face meeting, the school has a number of options to try and address the situation. While the school will not want to escalate the matter unnecessarily, it is crucial that they try to come to a sensible and proportionate conclusion.

a. Arrange a further meeting and invite the chair of governors

To ensure that the parents understand the seriousness of the matter, a further meeting could be arranged with the chair of governors present to convey the damage that these comments are having on the school community. It is essential that the chair of governors is fully briefed before the meeting and that a common approach is taken by the school to address this matter. Again, it gives an opportunity for the parents to share any grievances and for an action plan to be established to deal with any concerns expressed by them.

b. Report offending material

If the parents do not agree to remove any offending content or pages they have set up, then the school can report offending material to Facebook etc. Usually this raises a 'ticket' with those who monitor content on the site and they assess this in relation to whether any of the terms and conditions has been violated. Schools have to be aware that there will be a time delay in the review of this content and that if the content does not breach the terms and conditions, then the site administrators will not remove it.

Information about how a range of concerns can be reported to Facebook can be found in appendix 3.

c. Take legal advice

The final step in some cases may be for a school to seek legal advice on comments posted on a social media site. In some cases this has resulted in a letter from a solicitor being sent out to the parents warning them that malicious allegations could result in legal action. Headteachers should be aware that in some cases this can have a detrimental impact and can inflame situations further so it is recommended to try all other possible routes before proceeding.

In cases where a criminal offence has been committed then police advice should be sought at an early stage. This should usually take place via 101, but if there is an immediate risk of harm to any member of the school community this should be reported via 999. It is advisable that schools record any crime reference numbers etc., even if police action is not considered to be necessary.

5. Head off further similar issues by addressing the issue with all parents

Allegations or malicious comments against members of staff or the school can have

an unwanted effect on the school's ethos which can result in a detrimental effect on children and young people. It is crucial that a school ensures that these types of issues do not reoccur. The school could consider sending out a letter to parents to encourage them to be mindful about what they post on Social Networking sites and to be aware of the impact such comments could have on the school community. The letter could also include the fact that unpleasant or hurtful comments should not be posted online as they may potentially be considered as a criminal offence. The school may want to remind all parents of the schools official communication and complaints channels which are available to be used should they need them, as this is the most appropriate way of dealing with any concerns. Schools may also wish to remind parents that they can "report" any unpleasant comments or content to Facebook or other social networking sites, who may remove comments and block/ban users who break these rules. Parents should also be aware of the importance of role modelling appropriate behaviour for their children online, much like they should offline.

For template letters please see appendix 2.

6. Preventative Action

a. Home-School Agreement

Most schools have a contract between parents and the school to ensure that children and young people are fully supported with their learning and welfare both inside and out of the classroom. Many of the statements refer to parents reinforcing schools' policies on homework, behaviour and conduct. In order to counter any parent discussing sensitive issues about individual teachers or pupils on social networks, a number of schools have decided to include a statement on the Home-School Agreement to try and stop parents from making derogatory or malicious comments. While it is difficult to monitor all parents' use of social networking sites, it does show that the school takes this matter seriously and, the fact that parents have signed the agreement, means that they have a responsibility to act appropriately.

Example statements:

"We will support the school's approach to e-Safety and will not upload, share or add any pictures, video or text that could upset, offend or threaten the safety of any member of the school community".

OR

"Parents and carers are reminded to use existing structures when making any complaint about the school or a member of staff. They are advised not to discuss any matters on social networking sites".

OR

'If at any time during your child's time at xxxx school, you wish to make a complaint, then you are advised to follow the school's complaints procedure which can be found on the school website [insert link]. We recommend that all parents and carers refrain from using social networking sites to discuss sensitive issues about the school.'

b. Acceptable Use Policies (AUP)

All schools should have an AUP that is signed by staff and pupils to ensure that they use digital technology and the internet within school safely and understand the sanctions resulting from breaches of this policy. A number of schools have included statements that refer to parental support on this matter and these also ask parents to monitor children and young people's use of digital technology and social media while they are out of school. The policy should be reviewed and, where necessary, updated on an annual basis; and schools could include a statement on parental use of social networking. Please be aware that this approach can sometimes be difficult to enforce

Sample statement:

'As a parent, I support school policies on ICT and I will ensure that I monitor my child's use of the internet (including social media) outside of school. I will act as a positive role model to my child, by ensuring that I use social media responsibly.'

Further advice and guidance regarding AUPs can be found at www.e-safety.org.uk

c. Schools Policies (including the Complaints Policy)

Whenever there is a dispute between a parent and a school, it is important that the complaints procedure is followed so that grievances are taken seriously and solutions can be quickly found to ensure that the child or young person's education is not disrupted. The complaints policy should be easily accessible via the school's website.

Headteachers may also wish to draw attention to this concern in other related policies including anti-bullying, Safeguarding, online safety, data protection/security and confidentiality.

d. Promote positive use of social media

Some schools are now exploring the proactive use of social media as a positive engagement tool for parents. Many social media complaints arise out of parental frustrations and because parents may feel that they are not listened to or valued by schools. This is why many parents take the matter out of the schools hands and set up unofficial and unapproved Facebook pages or groups.

If a school has an official and appropriately managed Facebook page or group then this can minimise some of the concerns or ensure that the school has a way to respond appropriately via an official and approved communication channel.

In some cases Facebook pages or groups may be set up and run (either officially or unofficially) via parent teacher associations or other similar groups. It is important that in these cases the headteacher is involved in ensuring that the groups are run in accordance with the school policies and clear boundaries are in place about appropriate online behaviour. The Kent AUP template guidance includes a template policy for official parent run Facebook pages/groups.

Further guidance (including template policies etc.) can be accessed via the Education Safeguarding Adviser (Online Protection) and via www.e-safety.org.uk

e. Other approaches

The school could regularly publish positive information in the school newsletter about how concerns can be raised informally. Headteachers may want to consider implementing a range of routes to encourage parents to raise concerns directly with the school, for example ensuring a senior member of staff is available on the gate at the start and end of the school day, dedicated email accounts etc.

Conclusion

In the age of social media, all institutions need to be robust against criticisms and opinions. Complaints by parents are nothing new for schools as, in the past; many have made comments on the playground or at the school gate or have gone to local media outlets such as newspapers to highlight decisions or issues in schools. The main issue is that in today's society, these complaints can easily be shared in the public domain and a post on Facebook can reach thousands of users instantly, damaging reputations and giving a misleading slant to any issue. Schools cannot monitor every comment posted on social networking sites, but they can be proactive in trying to ensure that parents and carers are aware of their responsibility to act as a 'positive digital role model' to their children.

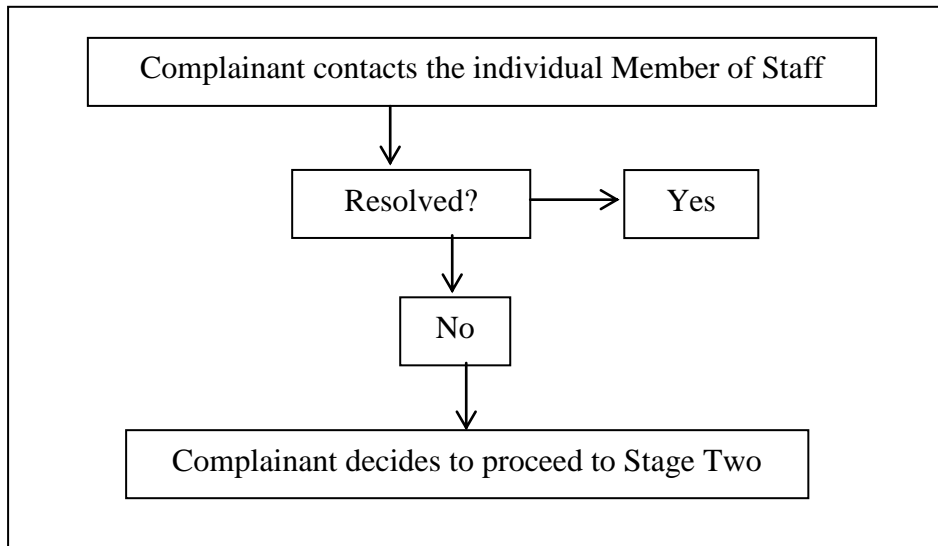
Complaints Form

Appendix 1

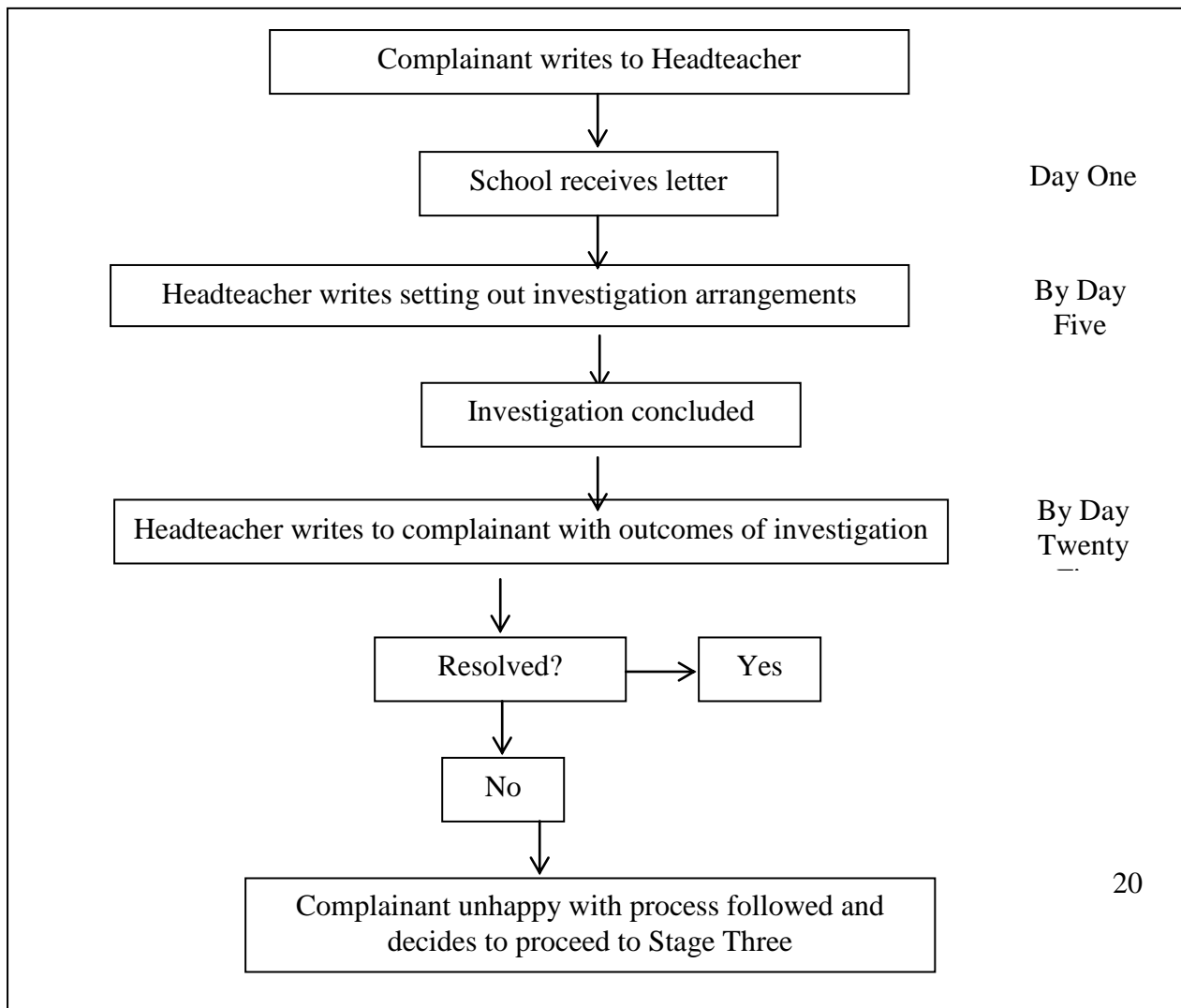
Please complete and return to who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

Model Complaints Procedure for Schools – Flowchart

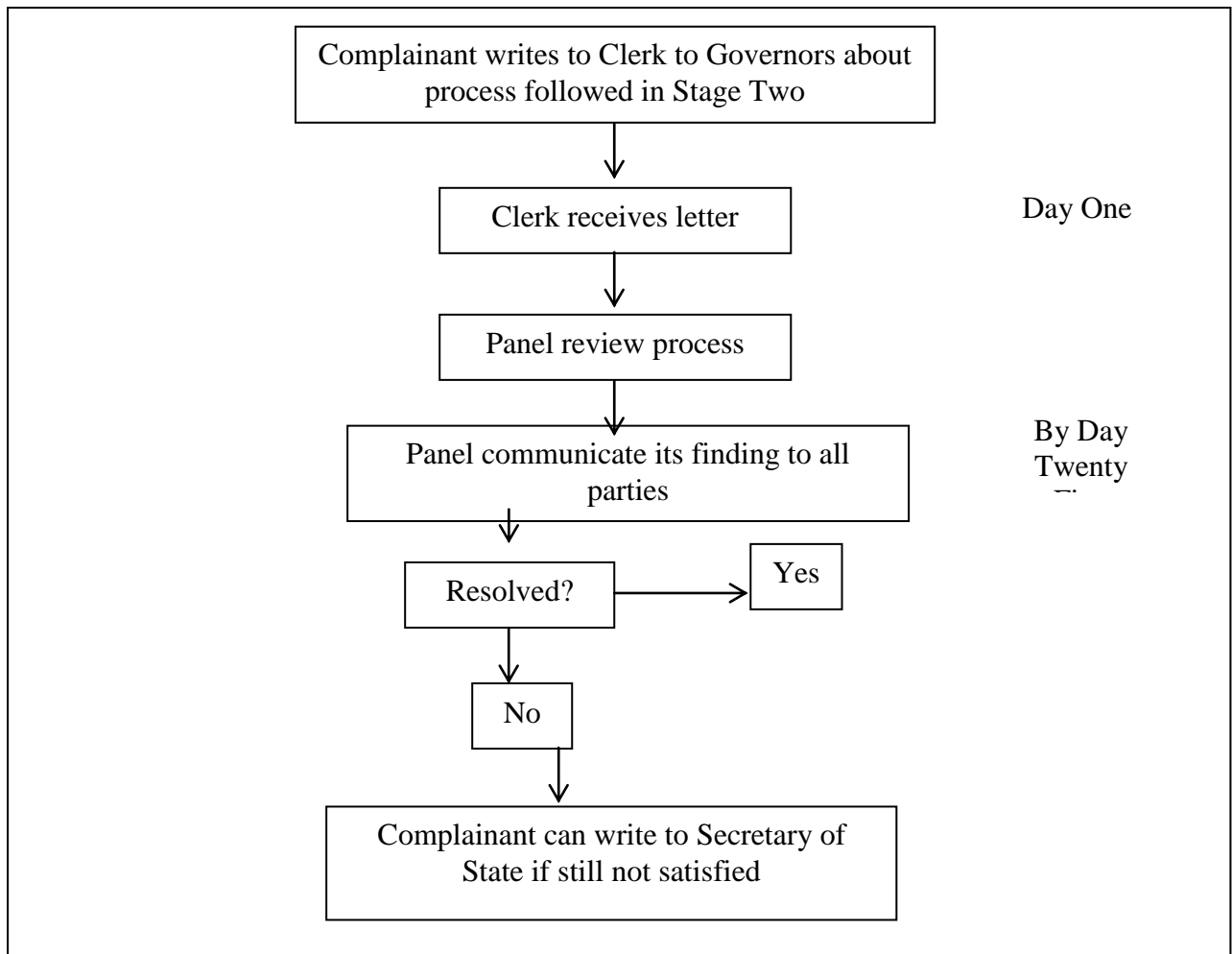
**Stage One
Informal Stage**



**Stage Two
Formal Stage**



Stage Three
Governors Review Panel



Note:- If the complaint is about the actions of the Headteacher then the Chair of Governors carries out the Headteacher's role as indicated above.

Governor Complaints Panel procedure

- At the Panel hearing:
 - The Complainant will have the opportunity to present their complaint.
 - The Headteacher (or Investigating Governor) will explain the school's position.
 - Those present will have the opportunity to ask questions.
 - Panel members will have the opportunity to ask questions of the complainant and the Headteacher.
 - The Headteacher (or Investigating Governor) will be given the opportunity to make a final statement to the Panel.
 - The Complainant will be given the opportunity to make a final statement to the Panel.
 - The Chair of the Panel will ask the Complainant if he or she feels they have had the opportunity to say everything they wish to say.
- The Chair of the Panel has responsibility to ensure that detailed minutes are taken.
- The Chair of the Panel will explain to the complainant and Headteacher (or Investigating Governor) that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Headteacher, other members of staff and witnesses will then leave.
- The Panel will then consider the complaint and all the evidence presented and:
 - Agree a decision on the complaint;
 - Decide upon the appropriate action to be taken to resolve the complaint; and
 - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- A written statement clearly setting out the decision of the Panel must be sent to the Complainant and Headteacher or Investigating Governor. The letter to the Complainant should also advise how to take the complaint further.
- The School should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Appendix 4

Procedure to manage complaints about School Governors

General principles

The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance;
- complaints should be resolved as quickly as possible;
- the process of resolving a complaint should not undermine the work of the governing body;
- where help and support is needed in managing a complaint against a Governor, this could be sought from another school governing body

A Governing Body should conduct its workings with a clear set of expectations of their role and behaviour. This is contained in the Governing Body Code of Conduct which should be signed by all Governors which follows the Nolan Principles of those holding public office (see model document on KELSI).

Categories of complaints

Complaints against Governors can be categorised:

- (i) those from other Governors on the governing body;
- (ii) those from members of the public which includes parents;

NB - members of the school staff – See Staff Grievance Policy.

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the Governing Body, which would normally fall to the Chair to manage.

Where the complaint is made against the Chair then:

- (i) it could be passed to the Vice-Chair; or
- (ii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to the Chair of another School Governing Body with whom the Governing Body has made a prior collaborative agreement (2007 Collaboration Regulations /Joint Governor Panel Agreement) to investigate and then forward the recommended outcomes to the Vice Chair.
- (iii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to an experienced Governor who will forward the recommended outcomes to the Vice Chair.

The Governing Body need to consider to what extent the internal investigation of a complaint against a Governor by another Governor generates a conflict of interest or prejudice.

No member of the school staff, including the Headteacher, should be involved in the investigation of a complaint against a Governor other than as a witness.

Procedure

This procedure is for complaints from members of the public, parents and Governors.

- 1 All complaints must be in writing to the Clerk, which includes email. For complaints against the Chair the procedure below will be undertaken either by the Vice Chair or an Independent Investigator
- 2 The Chair must inform the Governor against whom the complaint is made, the content of the complaint and how it is to be managed.
- 3 All complaints must be reported to the Governing Body as soon as is practicable, however the information must be restricted to: (a) the date the complaint was received; and (b) against which Governor the complaint is made.
- 4 Unless otherwise agreed by the Governing Body, the Complaint should be managed by the Chair.
The Chair may wish to seek advice from the Local Authority.
- 5 The Chair should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint the complainant should be able to supply evidence.
- 6 It may be that due to the nature of the complaint, the Chair can resolve the issue at the initial meeting and no further action be taken.
This outcome should be reported immediately to the Governor who the complaint is against and the Governing Body.
- 7 Where the complaint cannot be resolved at the initial meeting with the Complainant, the Chair will need to meet with the Governor concerned and put to them the complaint in order for them to make a response.
- 8 The Chair or Vice Chair will write a letter to the complainant providing an outcome to their complaint.
- 9 The outcome of the complaint could be that:
 - (i) the complaint is dismissed;
 - (ii) the complaint is upheld in part or whole and a letter of apology is sent to the Complainant;
 - (iii) the complaint is detrimental to the reputation of the Governing Body and the Governing Body refer to their Code of Conduct for next steps in line with regulations.
- 10 The outcome of the complaint needs to be recorded in the minutes of the Governing Body meeting, for example:

Complaint was resolved or

That a complaint was made against a Governor and investigated with the outcome being

Where possible the time lines of the Complaints Policy should apply to this Appendix.

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - o sharing third party information;
 - o additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - o consideration of records and other relevant information;
 - o interviewing staff and children/young people and other people relevant to the complaint;
 - o analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;

- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Interviewing Best Practice Tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

Legal Information relating to comments posted on social media about staff/schools

In most circumstances where parents are expressing an opinion, it is not possible to take legal action. However if you feel that it is necessary to pursue a legal course, we would recommend that you contact the KCC Legal Team and/or Kent Police. Issues on social media may become criminal and action may be taken under the following legislation (please note that this list is not exhaustive and in some cases other legislation may apply):

Criminal Concerns

- **Protection from Harassment Act 1997:** This Act is relevant for incidents that have happened repeatedly (i.e. on more than two occasions). The Protection from Harassment Act 1997 makes it a criminal and civil offence to pursue a course of conduct which causes alarm and distress, which includes the publication of words. The victim can also bring a civil claim for damages and an injunction against the abuser, although in reality this is a remedy that is only used by individuals with the financial means to litigate, and only possible if the abuser can be identified, which is not always straightforward.
- **Malicious Communications Act 1988:** Section 1 makes it an offence to send an indecent, grossly offensive or threatening letter, electronic communication or other article to another person with the intention that it should cause them distress or anxiety.
- **Public Order Act 1986 (sections 17 — 29):** This Act makes it a criminal offence to stir up racial hatred by displaying, publishing or distributing written material which is threatening.
- **Communications Act 2003:** Section 127 covers all forms of public communications, and subsection (1) defines an offence of sending a 'grossly offensive...obscene, indecent or menacing' communication. Subsection (2) defines a separate offence where for the purposes of causing annoyance, inconvenience or needless anxiety, a person sends a message which that person knows to be false (or causes it to be sent) or persistently makes use of a public communications system.
- **Racial and Religious Hatred Act 2006.** This Act makes it a criminal offence to threaten people because of their faith, or to stir up religious hatred by displaying, publishing or distributing written material which is threatening.
- **The Education Act 2011** makes it an offence to publish the name of a teacher who is subject to an allegation until such a time as that they are charged with an offence. All members of the community need to be aware of the importance of not publishing named allegations against teachers online as this can lead to prosecution. If this is the case then schools should contact the LADO for further guidance.

Libel and Privacy

Comments made online by parents could possibly be classed as Libel in some cases. Libel is defined as 'defamation by written or printed words, pictures, or in

any form other than by spoken words or gestures'. The authors of such comments can be held accountable under Defamation law, which was created to protect individuals or organisations from unwarranted, mistaken or untruthful attacks on their reputation.

Defamation is a civil "common law" tort in respect of which the Defamation Acts of 1952 and 1996 provide certain defences. It applies to any published material that damages the reputation of an individual or an organisation, and it includes material published on the internet. A civil action for defamation can be brought by an individual or a company, but not by a public authority. Libel is a civil and not criminal issue and specific legal advice may be required.

Where defamatory material is posted on a website, the person affected can inform the host of its contents and ask the host to remove it. Once the host knows that the material is there and that it may be defamatory, it can no longer rely on the defence of innocent dissemination in the Defamation Act 1996. This means that the person affected could (if the material has been published in the jurisdiction, i.e. in England and Wales) obtain a court order (an injunction) to require removal of the material, and could sue either the host or the person who posted the material for defamation.

Other issues

If social media is used to publish private and confidential information (for example breaches of data protection act) about an individual, it could give rise to a potential privacy claim and it is possible to seek an injunction and damages.

Template letters for schools to adapt

Please be aware that schools must not share any information which could compromise a live police investigation. Please seek advice from the Education Safeguarding Team if this is a concern.

General Awareness Letter for all parents

Dear Parent/Carers

Online Safety is an important part of keeping children safe at [school/setting]. We can only be successful in keeping all of our children safe online if we work with you to ensure that online safety messages are consistent and that all members of the community behave safely and appropriately online.

We are writing to you to request your support in ensuring our children have responsible online role models when posting and sharing content on social media sites. Whilst we are all entitled to have our own views and opinions, we would like to ask that all members of our school community consider how our comments may be misunderstood or misinterpreted when shared online and the possible impact and consequences on others of our online actions.

It is important that all members of school/setting community understand that the use of technology (including social networking, mobile phones, games consoles and other websites) to deliberately threaten, upset, harass, intimidate or embarrass someone else could be considered to be cyberbullying or harassment. Cyberbullying is just as harmful as bullying in the real world and is not tolerated at [school/setting]. We take all instances of cyberbullying or harassment involving any members of our community very seriously as we want members of the community to feel safe and happy both on and offline. Posting threatening, obscene or offensive comments online can also potentially be considered as a criminal offence and can therefore have serious consequences.

If parents/carers have any concerns or complaints regarding the school/setting, then we would like to request that they be made using the correct and official channels so we can work together to help resolve any concerns that parents/carers may have. The complaints procedure and anti-bullying policy and other relevant policies (such as behaviour or child protection policies) are available online via the school website [link] or upon request at the office.

I would like to ask all parents/carers to think carefully about the information and comments which we post online. As responsible adults it's important that we all consider the potential impact and implications posting such content may have on us and our families as well as other members of the school community. I would also like to remind all parents/carers about the need for us all to work in partnership together to promote responsible internet use and also to highlight how important your role is in setting a good example of positive and responsible online behaviour for your child(ren).

More information for parents/carers about online safety can be found at the following places:

- www.thinkuknow.co.uk/parents
- www.saferinternet.org.uk
- www.childnet.com
- www.nscpsc.org.uk/onlinesafety

- www.internetmatters.org
- www.getsafeonline.org

If parents/carers wish to discuss this matter further or have any other online safety concerns the please contact [Name] Designated Safeguarding Lead, or myself (if different).

Many thanks in advance for your support in this matter,
[Name]

Headteacher/Manager/Chair of Governors Etc.

Template Incident Letter (following a specific issue) for all parents
NB – do not send this letter until after parents involved have been spoken with.

Dear Parent/Carers

Online Safety is an important part of keeping children safe at [school/setting]. We can only be successful in keeping all of our children safe online if we work with you to ensure that online safety messages are consistent and that all members of the community behave safely and appropriately online.

Unfortunately it has been brought to our attention that some parents/carers have been using xxxx as a forum to complain and/or be abusive about the school/setting and/or members of staff/parents/children in the school/setting community. Whilst we are all entitled to have our own views and opinions, we would like to ask that all members of our community consider how this may be misunderstood or misinterpreted when shared online and the possible impact and consequences of these actions.

We have spoken to those parents concerned and whilst we can continue to raise the profile of online safety within school, we need the help of the whole community to support us in keeping our wider community safe online.

It is important that all members of school/setting community understand that the use of technology (including social networking, mobile phones, games consoles and other websites) to deliberately threaten, upset, harass, intimidate or embarrass someone else could be considered to be cyberbullying or harassment. Cyberbullying is just as harmful as bullying in the real world and is not tolerated at [school/setting].

We take all instances of cyberbullying or harassment involving any members of our community very seriously as we want members of the community to feel safe and happy both on and offline. Posting threatening, obscene or offensive comments online can also potentially be considered as a criminal offence and can therefore have serious consequences.

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- www.getsafeonline.org

If parents/carers wish to discuss this matter further or have any other online safety

concerns the please contact [Name] Designated Safeguarding Lead, or myself (if different).

Many thanks in advance for your support in this matter,
[Name]

Headteacher/Manager/Chair of Governors Etc.

