



Complaints Policy

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Statutory

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COMPLAINTS POLICY

i.) Legal Requirement to Establish Complaints Procedure

The governing body is required to establish procedures for dealing with all complaints relating to the school including the provision of facilities or services by the school.¹

The Governing Body will ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place so that people can complain direct to them, if necessary.

ii.) Publication and Availability of the Policy and Procedure

The policy and procedure will be publicised² in one or more of the following ways:

- the school prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

The school will provide a copy of the policy and procedure to any person upon request.

iii.) Regard to Guidance from the Secretary of State

This policy and procedure has been created having regard to the guidance produced by the Secretary of State.³

iv.) Governing Body Monitoring, Reporting and Review

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement.

The monitoring and review of complaints by the school and the GB can also be a useful tool in evaluating a school's performance.

Scheduled Review and Updated Guidance from the DfE

The Policy and Procedure will be reviewed every 3 years but any governor with any concerns about its operation can request that it is reviewed at any time.

The Policy and Procedure will also be reviewed in the event that new guidance or legislative changes are introduced by the Department for Education.

¹ Sections 29(1)(a) and 39 of the *Education Act 2002*.

² Section 29(1)(b) of the *Education Act 2002*.

³ Section 29(2) of the *Education Act 2002* and DfE's "Best Practice Advice for School Complaints Procedures" 2016 <https://www.gov.uk/government/publications/school-complaints-procedures>.

Governing Body Monitoring

The level and nature of complaints will be reported to the Governing Body as part of the Governing Body's role in overseeing the operation of the school.

However, the details of an unresolved complaint or a complainant's information must not be discussed by the Governing Body in case a Complaints Committee meeting needs to be held.

Governing Body Reporting and Review

The outcomes of complaints will be reported to the Governing Body for review so that the Governing Body can:

- examine the effectiveness of the Complaints Policy & Procedure and consider any improvements; and
- identify any issues that need to be addressed and consider any improvements to school policies or procedures.

v.) Local Authority (LA) Reporting

The School will meet any requests from the local authority to provide statistics on complaints so that overall monitoring can be carried out to advise all schools and the authority on improvements to practice.

The LA may also require details of any complaint and its consideration in order to answer formal enquiries from the Department for Education or others. The school will be consulted before any response to such enquiries is made.

vi.) Advice and support from Islington Council Governor Services

Advice to Headteachers and governors on the handling of complaints is available from the Islington Council Governing Body Services section for those schools which buy into this service.

vii.) Establishing a Committee to Hear Complaints and Lead Governor

The Governing Body will establish a Committee of Governors to hear any complaints made. All members of the governing body that are not members of staff should be a part of this Committee.

viii.) Informal Concerns

Staff will be trained in how to deal with informal concerns when they are approached by people with such concerns.

If informal concerns are taken seriously, it can help to resolve issues on the spot and reduce the number of concerns that turn into complaints.

Because the aim of the complaints procedure is to resolve a complaint and achieve reconciliation between the school and the complainant, attempts to resolve a complaint with the complainant can and will occur at any stage during the procedure.

ix.) Serial and Unreasonable Complainants

Hanover 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.

Hanover 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; or
- 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. Actions taken may include banning an individual from the School.

(Please see **Appendix E** for the DfE Serial and Unreasonable Complaints Policy.)

COMPLAINTS PROCEDURE

A. Who can make a complaint?

The right to make a complaint is not limited to parents or carers of pupils registered at the school. A complaint can be made by a member of the wider community or a person representing an ex-pupil.

B. What can a person complain about?

A person can make a complaint about most areas of the school including any community facilities or services the school provides.

However, a person cannot make a complaint in relation to the following areas which have a separate procedure which must be used:

- Admissions
- Collective worship
- Staff grievances
- Disciplinary procedures
- SEND
- Pupil exclusions

If your complaint concerns one of these areas, contact the school to arrange an appointment with the Headteacher.

C. Stages

The Complaints Procedure has the following Stages:

- STAGE 1 – HEADTEACHER
- STAGE 2 – CHAIR OF GOVERNORS
- STAGE 3 – GOVERNING BODY COMPLAINTS COMMITTEE MEETING

D. Complaints against the Headteacher

Any Complaints against the actions of the Headteacher should be made to the Chair of Governors using the complaints form and the complaint will begin at Stage 2 of the Procedure.

E. Complaints against the Chair or the Full Governing Board.

Any complaints against the Chair of Governors should be referred to the Clerk of the governing body using the complaints form. The complaint will be dealt with by the Vice-Chair of Governors and will begin at Stage 2 of the Procedure. In the case of a complaint against the FGB, the LA will appoint an independent panel of Governors.

F. Complainant's Right to Confidentiality

All people involved in the complaints process must respect the complainant's right to confidentiality.

G. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Hanover Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

H. The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Hanover Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Jack Sloan, headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Jack Sloan will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Hanover Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

I. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to Jack Sloan, headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Jane Kilgannon or Chris Kenyon (Joint Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Maria Bennett (the Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

J. Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

K. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

L. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

M. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Hanover Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the London Borough of Islington
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). lado@islington.gov.uk
<ul style="list-style-type: none">• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . *complaints about the application of the behaviour policy can be made through the school's complaints procedure. The school's behaviour policy can be found here .
<ul style="list-style-type: none">• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.

<ul style="list-style-type: none"> • Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> • National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Hanover Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

N. Resolving complaints

At each stage in the procedure, Hanover Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

O. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

P. Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within **10 school days** of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hanover Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Q. Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within **10 school days** of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **10 school days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **10 school days** of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Hanover Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **10 school days** before the meeting.

Any written material will be circulated to all parties at least **10 school days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Hanover Primary School with a full explanation of their decision and the reason(s) for it, in writing, within **10 school days**.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Hanover Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Hanover Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

R. Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Hanover Primary School. They will consider whether Hanover Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

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 meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee 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 committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

1. STAGE 1 – HEADTEACHER

Contacting the Headteacher to discuss Issue or Complaint

- 1.1. The complainant should contact the Headteacher to discuss their complaint in person, by telephone or in writing.
- 1.2. The complainant will be provided with a copy of the Complaints Procedure and the procedure explained to the complainant.
- 1.3. The Headteacher or a delegated staff member will ensure that the complainant completes and signs the complaint form (**Appendix D**). The Headteacher or a delegated staff member may assist the complainant with the completion of the form but the complainant must sign the form to signify that they agree with the information detailed in the form.
- 1.4. If the Complaint is about the Headteacher, the complainant should complete the complaint form (**Appendix D**) and contact the Chair to discuss their issue or complaint (the procedure will then begin at stage 2).

Contact with Islington Council

- 1.5. Complainants who contact Islington Council directly will be advised of the school's complaints procedure and advised to discuss the matter with the Headteacher first.
- 1.6. Unless the complainant wishes otherwise, the Headteacher will be informed of the concern raised and asked to contact the complainant to seek a resolution through the school's complaints procedure.
- 1.7. If it is clear that the complaint is about the Headteacher, the complainant will be advised of the school's complaints procedures and advised to complete a complaint form (**Appendix D**) and contact the Chair of Governors (see stage 2).
- 1.8. Unless the complainant wishes otherwise, the Clerk will inform the Chair and the Headteacher of the concern raised and ask the Chair to seek a resolution through the school's complaints procedure.

Investigation

- 1.9. The Headteacher may personally carry out an investigation or commission an investigation by another person such as a senior member of staff, a governor or an independent person.
- 1.10. Any investigation will be carried out in accordance with the procedure detailed in **Appendix A** within ten (10) school days of the complaint being received.
- 1.11. The timescale for completing any necessary investigations can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Meeting between Complainant and Head

- 1.12. Within three (3) school days of the completed initial investigation or further investigation, the Headteacher will contact the complainant to arrange a meeting.
- 1.13. The Headteacher will then meet with the complainant with the aim of resolving the complaint and achieving reconciliation between the school and the complainant using the Resolution Principles listed in **Appendix B**.

- 1.14. The Headteacher will attempt to address all the points at issue and provide an effective response and appropriate redress bearing in mind what the complainant says will resolve the issues.
- 1.15. Following the meeting with the Headteacher the complainant will be informed in writing by the Headteacher of:
 - any agreed outcomes from the meeting;
 - any action taken or proposed to be taken to resolve the complaint; and
 - the complainant's right to complete and sign a complaint form (**Appendix D**) and submit a written request to have the complaint referred to the Chair for further consideration if the complainant is still dissatisfied.
- 1.16. The Headteacher will record the action taken and ensure that all records of the matter are stored centrally.
- 1.17. In the event of a complaint form and written request being submitted to refer to the matter to Stage 2, the Headteacher will ensure all records are forwarded to the Chair.

Next Stage

- 1.18. If a complainant is dissatisfied with the Headteacher's response, the complainant can submit a written request to have the complaint referred to the Chair for further consideration (Stage 2).
- 1.19. If a complaint form (**Appendix D**) has not been completed for any reason, a complaint form should be completed and signed by the complainant to be provided to the Chair of Governors for Stage 2.

2. STAGE 2 – CHAIR OF GOVERNORS

Matters Referred from Stage 1

- 2.1. If following Stage 1 a complainant is dissatisfied with the Headteacher's response and has submitted a complaint form and written request, the complaint will be referred to the Chair for consideration.

Complaints about the Headteacher or Chair

- 2.2. If the complaint has not been referred from Stage 1, the complainant will be provided with a copy of the Complaints Procedure and the procedure explained to the complainant. The complainant will be asked to complete and sign a complaint form (**Appendix D**) to be provided to the Chair.
- 2.3. If the complaint is about the actions of the Chair, the complaint should be made using the complaint form (**Appendix D**) and provided to the Clerk. The complaint will then be referred to the Vice-Chair who will carry out Stage 2 of the Complaints Procedure as if s/he was the Chair and as if the complaint was about the Headteacher.

Investigation of Matters Referred from Stage 1

- 2.4. If the Chair feels that further investigation is necessary, the Chair may:
- personally carry out a further investigation; or
 - request that the Headteacher carry out a further investigation; or
 - commission a further investigation by another person such as a senior member of staff, a governor or an independent person.
- 2.5. Any further investigation will be carried out in accordance with the procedure detailed in **Appendix A** within ten (10) school days of the complaint being referred to Stage 2.
- 2.6. The timescale for completing any further investigations can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Investigation of Complaints against the Headteacher

- 2.7. If the complaint is in relation to the Headteacher, the Chair may personally carry out an investigation or commission an investigation by another person such as a senior member of staff, a governor or an independent person.
- 2.8. Serious consideration may be given to engaging an independent person to act as an investigating officer to ensure that a full, fair and impartial investigation is conducted. The Islington Council Governor Services section may be able to offer assistance with this.
- 2.9. Any investigation will be carried out in accordance with the procedure detailed in **Appendix A** within ten (10) school days of the complaint form being received.
- 2.10. The timescale for completing the investigation can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Meeting between Complainant and Chair

- 2.11. Within three (3) school days of the completed investigation, the Chair will contact the complainant to arrange a meeting.
- 2.12. The Chair will then meet with the complainant with the aim of resolving the complaint and achieving reconciliation between the school and the complainant using the Resolution Principles listed in **Appendix B**.
- 2.13. The Chair will attempt to address all the points at issue and provide an effective response and appropriate redress bearing in mind what the complainant says will resolve the issues.
- 2.14. Following the meeting with the Chair the complainant will be informed in writing by the Chair of:
 - any agreed outcomes from the meeting;
 - any action taken or proposed to be taken to resolve the complaint; and
 - the complainant's right to submit a written request to have the complaint referred to a Governing Body Complaints Committee for consideration through the Clerk if the complainant is still dissatisfied.
- 2.15. The Chair will record the action taken and ensure that all records of the matter are stored centrally.
- 2.16. In the event that the matter is referred to Stage 3, the Chair will ensure that all records are provided to the Clerk and the Chair of the Complaints Committee.

Next Stage

- 2.17. If a complainant is dissatisfied with the Chair's response, the complainant can write to the Clerk to request that the complaint be referred to a Governing Body Complaints Committee meeting for further consideration (Stage 3).

Conflicts of Interest

- 2.18. If the Chair is conflicted, Stage 2 will be undertaken by the Vice-Chair of governors.

3. STAGE 3 – GOVERNING BODY COMPLAINTS COMMITTEE MEETING

PRE-MEETING PROCEDURE

Clerk to Send Acknowledgement and Confirmation

- 3.1. When a written request for a matter to be referred to the Governing Body Complaints Committee is received by the Clerk, the Clerk will send a letter to the complainant:
- acknowledging receipt of the complaint;
 - confirming that the timescale for convening the meeting is twenty (20) school days which is subject to extension; and
 - advising of the relevant timeframes in which documentation for the meeting and the names of witnesses must be provided to the Clerk/Chair of the Complaints Committee.

Convening the Meeting

- 3.2. The Clerk to Governors will then immediately forward the complaint to the Chair of the Complaints Committee to advise of the need to convene a meeting of three (3) or five (5) committee members within twenty (20) school days.
- 3.3. The timescale for convening the meeting can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Committee Members to be Independent and Impartial

- 3.4. No governor may be a part of the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it to ensure that the meeting is independent and impartial and that it is seen to be so. If necessary, Governors may be sought from other schools to form the committee.

Clerk to Arrange and Notify Complainant of Meeting

- 3.5. The Clerk will liaise with all parties to find a suitable date, time and venue that is convenient and accessible to all parties.
- 3.6. The Clerk will then notify the complainant of the date, time and location of the meeting in writing at least 10 working days before the meeting.
- 3.7. The correspondence will include a copy of the complaints procedure.

Further Investigation

- 3.8. If the Committee Chair feels that further investigation is necessary, the Committee Chair may:
- request that the Headteacher carry out a further investigation; or

- commission a further investigation by another person such as a senior member of staff, a governor or an independent person.
- 3.9. Any further investigation will be carried out in accordance with the procedure detailed in **Appendix A** within ten (10) school days of the complaint being referred to Stage 3.
- 3.10. The timescale for completing any further investigations can be extended by notifying the complainant in writing of the extension and the reason for the extension.

Investigation Report

- 3.11. If any investigation report has been prepared by the Headteacher or another person, it will be available seven (7) working days before the meeting for circulation.

Submission of Documents by Complainant

- 3.12. If the complainant wishes to submit a written statement or refer to any additional documents in his/her possession, copies should be sent to the Clerk/Chair of the Complaints Committee seven (7) working days before the date of the meeting so that sufficient copies can be made available to the Complaints Committee meeting.

Meeting Papers

- 3.13. Any papers to be considered at the meeting will be made available to the Committee and to the complainant and Headteacher at least three (3) days before the meeting.
- 3.14. Members of the Committee will not discuss the meeting papers or details of the complaint with other people prior to the meeting.

Witnesses

- 3.15. The names of any witnesses to be called by the complainant or Headteacher will be notified to:
- the Clerk/Chair of the Complaints Committee– seven (7) working days before the meeting; and
 - the Committee, the complainant and the Headteacher – at least three (3) days before the meeting.

Private Meeting

- 3.16. The meeting will be held in private bearing in mind the complainant's right to confidentiality.

MEETING PROCEDURE

Reconciliation as Aim of the Meeting

- 3.17. The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. Governors should seek to remedy matters wherever possible.
- 3.18. The Committee will have regard to the Resolution Principles listed in **Appendix B** during the meeting.

Meeting Setting

- 3.19. The Clerk will meet and welcome the parties as they arrive at the meeting and the Committee Chair should ensure that the proceedings are as welcoming as possible.
- 3.20. The Committee Chair will ensure that care is taken when laying out the room to make the setting informal and not adversarial so that complainants and witnesses are put at ease and do not feel nervous discussing issues that may be emotional.
- 3.21. The Committee Chair will ensure that the meeting to hear the complaint is carried out as informally as possible with each party treating the other with respect and courtesy.

Children at meetings

- 3.22. Where a parent is complaining about an issue that relates to his/her child, the Committee Chair will provide the parent with the opportunity to say which parts of the meeting, if any, the child needs to attend.
- 3.23. Where the child is the complainant or is giving evidence, the Committee will give careful consideration to the atmosphere and proceedings to ensure that the child does not feel intimidated.
- 3.24. The Committee should also be aware of the views of any children involved in the proceedings and give them equal consideration to those of adults.

Adjournment

- 3.25. The introduction of previously undisclosed evidence or witnesses can be a reason to adjourn the meeting so that the other side has the time to consider the situation.
- 3.26. For complaints that are complex, involve voluminous material or take a long time to hear, the committee may make any necessary adjournments and reconvene at a later date or dates.

Meeting Procedure

- 3.27. The relevant procedure to be used for the conduct of the meeting is contained in **Appendix C**.

Committee Remit

- 3.28. The Committee can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

POST-MEETING PROCEDURE

Notification of the Committee's Decision

3.29. The Chair of the Committee will write to inform the complainant:

- of the decision to uphold or dismiss the complaint in whole or in part;
- of the reasons for the decision;
- of any key findings of fact;
- of any action taken or proposed to be taken to resolve the complaint;
- of any recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;
- that the decision of the committee is the final school based stage in the Complaints Procedure and that no further consideration of the substance of the complaint is possible; and
- that the complainant can appeal to the Secretary of State in relation to:
 - the compliance of the school's policies with education legislation; or
 - the school's adherence to the complaints procedure;
 by writing to: The School Complaints Unit, Department for Education, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD

3.30. The Chair will write to the complainant within five (5) business days of the end of the meeting.

3.31. For complaints that are complex or involve voluminous material, the timescale for informing the complainant of the committee's decision can be extended by notifying the complainant in writing of the extension.

Record of the Proceeding

3.32. The Committee Clerk will be responsible for recording the minutes of the proceeding and will send the draft minutes to all parties within fifteen (15) business days after the meeting to provide the parties with the opportunity to agree the minutes or challenge any part of the minutes.

3.33. The Committee Clerk will ensure that all records of the matter are stored centrally and that the outcome of the complaint and any changes to the school's systems or procedures are communicated to the Governing Body.

Next and Final Stage of Appeal

3.34. The final stage of appeal is to the Secretary of State for Education through the School Complaints Unit at the Department for Education.

3.35. Complainants should note that the department **will not re-investigate the substance of the complaint** as this remains the responsibility of schools.

3.36. The School Complaints Unit will:

- examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out; and
 - examine policies to determine if they adhere to education legislation.
- 3.37. The School Complaints Unit will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the Unit finds that the school has not handled a complaint in accordance with its procedure, it may request that the complaint is looked at again.
- 3.38. If legislative or policy breaches are found, the School Complaints Unit will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The Unit normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with powers under sections 496 and 497 of the Education Act 1996.
- 3.39. If a Complainant feels that relevant school policies do not adhere to education legislation or that the school did not properly follow the complaints policy and procedure, the complainant can write to:
- The School Complaints Unit
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD
- 3.40. Further information can be obtained from the SCU by calling National Helpline on **0370 000 2288** or going online at www.education.gov.uk/help/contactus .

APPENDIX A

INVESTIGATION

Procedure for Person Investigating a Complaint

Any person investigating a complaint should adhere to the following procedure:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

APPENDIX B

RESOLUTION PRINCIPLES

- Identify areas of agreement
- Clarify any misunderstandings
- Encourage complainants to state what actions they feel might resolve the problem at any stage
- Offering one or more of the following may result in a resolution of the matter:
 - an acknowledgment that the complaint is valid in whole or in part;
 - an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better (this is not the same as 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 school policies in light of the complaint.

APPENDIX C

PROCEDURES FOR CONDUCT OF THE MEETING

Set out below is a procedure that the Committee can follow for the conduct of the meeting:

- a) Prior to the meeting, the Committee will:
 - nominate a Committee Chair
 - consider whether the setting is sufficiently informal and whether every effort has been made to put complainants and witnesses at ease; and
 - consider any issues with children being involved in the proceedings.
- b) At the beginning of the meeting the Committee Chair will:
 - welcome the parties to the meeting;
 - confirm that no committee member has had any previous involvement in the matter;
 - explain the remit of the committee to the parties;
 - explain that the aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant;
 - explain that Stage 3 is the final school based stage of the procedure and no further consideration of the substance of the complaint will be possible; and
 - ensure that all written material has been received and seen by all parties.
- c) The complainant shall explain the nature of her/his complaint and may submit a written statement, to the meeting.
- d) The Headteacher and the Committee may question the complainant about the complaint and why it has been made. The Headteacher and the Committee should bear in mind the Resolution Principles in **Appendix B** and in particular the consideration of what actions the complainant feels may resolve the complaint.
- e) If any investigation report has been produced at the request of the Chair of Governors by the Headteacher (or another person) it will be considered. If the report is produced by a person other than the Headteacher, the person may be present at the meeting and answer questions of clarification for the complainant, the Headteacher and Committee. Otherwise the Headteacher will respond to the complaint.
- f) The complainant and the Committee may question the Headteacher about her/his response to the complaint.
- g) The Committee, the Headteacher and the complainant shall have the right to call witnesses where there are disputes as to the fact. Witnesses are only required to attend for the part of the meeting in which they give their evidence.
- h) The Committee, the Headteacher and the complainant shall have the right to question any such witnesses.
- i) If a new issue arises the Committee Chair should ensure that all parties are given the opportunity to consider and comment on it.
- j) The complainant may make a final statement.

- k) The Headteacher may make a final statement.
- l) The Chair of the Committee shall explain that the complaint will now be considered and a decision reached which will be notified to the complainant and the Headteacher in writing.
- m) The complainant and the Headteacher will then leave the meeting.
- n) The Committee will consider the complaint and the cases made by the complainant and Headteacher and:
- decide whether to uphold or dismiss the complaint in whole or in part and the reasons for that decision ensuring that all issues are addressed;
 - make any key findings of fact;
 - decide on any appropriate action to be taken to resolve the complaint; and
 - recommend any changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- o) Notification of the decision will be sent to the complainant and to the Headteacher in writing.
- p) The letter sent to the complainant informing her/him of the decision concludes this stage of the procedure.

APPENDIX D

COMPLAINT FORM

Please complete and return to at the school for referral as follows:

- General Complaints are referred to the Headteacher and begin at Stage 1;
- Complaints against the Headteacher are referred to the Chair of Governors and begin at Stage 2 of the Complaints Procedure; and
- Complaints against the Chair of Governors are referred to the Vice-Chair of Governors and will begin at Stage 2 of the Complaints Procedure.

If there is insufficient space for any items, please attach additional pages as required.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
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

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

APPENDIX E

Model policy for managing serial and unreasonable complaints

Note:

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Hanover 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 our 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.

Hanover Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the

complaint is being dealt with

- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who excessively contact Hanover 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Hanover Primary School