

Complaints Procedures and Policy

September 2021

Next Review: September 2023

Approved by Governing Body 20th September 2021

CRC Article 2: The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from.

CRC Article 3: The best interests of children must be the primary concern in making decisions that may affect them.

We want our pupils to do well and feel happy at school. However, we do recognise that on occasions, concerns or difficulties do arise. In this event, parents/carers are encouraged to contact the school to have any difficulties or concerns resolved at the earliest possible stage.

We Care About What You Think

Each day this school makes many decisions and tries hard to do the best for all the children. Your comments - either positive or negative - are helpful for future planning. You may want to talk to us about a particular aspect of the school, though not actually make a complaint - you just want to get something 'off your chest'. Let us know your views. *The sooner you do this the sooner we can try to resolve concerns.*

If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the appropriate member of staff.

We know that it can feel uncomfortable to question or challenge, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. We hope that most issues can be settled quickly and informally, either by putting matters right or by giving you an explanation.

Parents/carers are reminded that the school will do its utmost to guarantee the confidentiality of any complaint and the substance of their complaints. The school will respect the views of a person who indicates that he/she would have difficulty discussing a matter with a particular member of staff. Similarly, if a member of staff directly involved feels compromised, then the matter may be referred to another member of staff to deal with.

Legislation and Guidance

This document meets the requirements of **Section 29** of the **Education Act 2002**, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It is also based on **guidance for school on complaints procedures** from the **Department for Education (DfE)**.

What is a Concern or Complaint?

- a) A concern or a complaint is defined as an expression of dissatisfaction about the conduct/operation of the School, the conduct of, actions or lack of actions by a member of staff/the Governing Body/an individual governor, unacceptable delay in dealing with a matter of the unreasonable treatment of a pupil or other person.

- b) Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply:
- Child Protection
 - Freedom of Information Access
 - Functions of the Local Authority
 - Managing Aggressive and violent behaviour from Parents and Visitors
 - Pupil Exclusions
 - School Admissions
 - Services provided by other organisations on the school site or through the school **(schools should ensure that all organisations using the school premises have their own complaints procedures)**
 - Staff grievance
 - Special Educational Needs assessment and statementing procedure
 - Whistleblowing by an employee
- c) Serious complaints or allegations relating to the abuse of children assault, criminal or financial matters are also subject to separate procedures

Serious Allegations or Complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Head teacher should inform the Chair of Governors and seek the advice of the Local Authority.

If the allegation relates to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Head teacher should inform the Chair of Governors and seek the advice of the Senior HR Officer and /or Senior Schools Finance Officer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The Scheme for Financing Schools requires the appropriate local authority finance office to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children, the Head teacher should seek the advice of the Local Authority Designated Officer (LADO) Senior HR Officer and other agencies such as Children's Social Care. Serious allegations of this nature **must** be referred under Child Protection Procedure "Staff Facing Allegations of Physical/Sexual Abuse."

In all the above, consideration needs to be given to the possible suspension from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (e.g. Disciplinary) may be involved.

Timescale for Making a Complaint About the School

Concerns should be raised with the school as soon as possible to allow for a proper investigation. Generally, if concerns are more than **6 months old**, the school or the Governing Body, may consider this too late to take any action.

In Using This Procedure:

Staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly. Complainants are asked to be aware that those complained about, especially individual members of staff may feel very vulnerable during this process.

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the

school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably.

Every complaint will be investigated with due urgency and thoroughness. Whenever a complaint is upheld, every effort will be made to rectify the issue and, if necessary, action will be taken to prevent a recurrence of the problem. The school will not investigate anonymous complaints or allegations but confidentiality will be respected. The school complaints procedure is available on the school's website and on request.

Governors should not attempt to deal with complaints outside this procedure. Any governor who is approached by a complainant wishing to complain about the school should direct the complaint to the head teacher or Chair of Governors as appropriate.

Stage One: Local Resolution of the Problem (The Informal Stage)

In the vast majority of cases a problem can and should be resolved by contacting the class teacher subject teacher or member of staff directly involved with the problem. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Schools should keep a record of all complaints made and the actions taken. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

Stage Two: The Formal Stage

If the complainant is not satisfied with the response from the member of staff at stage 1 or if the complaint is of a serious nature, the complainant should be advised that the next stage is to put their complaint in writing to the head teacher. When writing to the head teacher 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 where the Head teacher is the subject of the complaint then sections later on of this procedure apply.

The head teacher will be responsible for carrying out an investigation or appointing another senior member of staff to carry out the investigation and report their findings to the head teacher who will then reach a conclusion based on the investigation. The person appointed as the investigator should keep notes 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 investigator may feel it necessary to meet with the

complainant first. It is good practice to supply interviewees with the notes and ask them to sign the notes for accuracy.

At the conclusion of the investigation the investigator will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the head teacher.

The head teacher should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the head teacher will write again 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.

Before the investigator interviews member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.

Once satisfied that the investigation has been concluded and a decision on the complaint

has been reached the head teacher will notify the complainant in writing of the conclusion and decision made. The complainant will be informed of any action that will be taken as a result of the complaint except, where this would be a breach of confidentiality e.g. taking any formal action against individual members of staff which would remain confidential. This letter of notification of the outcome should generally be done no later than 20 school days as set out above. The head teacher may feel it appropriate to meet with the complainant to communicate the findings in person; in this event the decision should also be confirmed in writing.

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

- The evidence indicated that the complaint was substantiated and therefore upheld
- The complaint was substantiated in part and the part upheld and identified only is upheld
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive and not proven
- The complaint is not substantiated by the evidence and therefore not upheld
- In the outcome letter the complainant will also be informed that if they are not satisfied with the outcome of the investigation, they may request that the Governors Complaints Review Panel review the process followed by the head teacher in handling the complaint.

The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the complaints Review Panel. This stage is set out below.

This request must be made in writing to the clerk to the governing body within 10 school days of receiving the outcome from the head teacher and must include a statement specifying reasons for the request for the review and any perceived failures arising from the outcomes of the investigation.

Where the Complaint is About the Actions of the Headteacher

Stage One – Local resolution of the problem (the informal stage): in the vast majority of cases a problem can and should be resolved by speaking to the head teacher directly in an effort to resolve the problem or concern. The initial communication with the head teacher may be by letter, telephone conversation, in person or by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stage of this procedure.

Stage Two– The Formal Stage (where the complaint is about the actions of the Headteacher)

If the complainant is not satisfied with the response from the head teacher at Stage 1 they should be advised that the next stage is to put their complaint in writing to the Chair of Governors.

The Chair of Governors will be responsible for carrying out an investigation or appointing another governor to carry out the investigation and report their findings to the Chair who will then reach a conclusion based on the investigation.

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.

At the conclusion of their investigation the investigating governor will compile a report detailing their findings and any recommendations or actions they propose/need to be considered by the Chair of Governors.

When writing the initial letter to the Chair of Governors 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 they 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.

Before the investigating governor interviews a member/s of staff, they must be informed that they may be accompanied by a colleague or representative of a recognised union or professional association.

Once satisfied that the investigation has been concluded and they have reached a decision on the complaint 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 Chair of Governors 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
- The complaint was substantiated in part or in full (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 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 is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complainants Review Panel review the process followed by the Chair of Governors in handling the complaint. This stage is outlined below.

The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below.

This request must be made in writing to the clerk to the governing body within 10 days of receiving the outcome from the chair of governors and must include a statement specifying reason for the request for the review and any perceived failure arising from the investigation process followed.

Stage Three – The Governors Review Panel (All Complaints)

Review Panels are convened at the request of a complainant to review the school's decision to a complaint at stage 2. If the complaint has not been settled at the formal stage and the person making the complaint is not satisfied with the outcome or the way it was dealt with, they can ask for the process to be reviewed by the review panel.

The Review Panel's purpose, in each case, is to review (not to re-investigate) the original complaint and the school's response to it, including its investigation and the outcome. The Review Panel's role is not to undertake a re-investigation of the case, nor to extend its

reference beyond the above matters.

The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation. The Panel is not permitted to do the following:

- To re-investigate the complaint
- To reach a definite view on a point of law
- To criticise the complainant for any “contributory negligence” that may have contributed to the difficulties
- To be an alternative to a disciplinary hearing, as far as staff are concerned
- To hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint)

Any review of the process followed by the head teacher, Chair of Governors or the investigating governor shall be by a panel of at least three members of the Governing Body appointed to be the Review Panel. The review will normally be conducted through a consideration of written evidence but any requests received to make an oral representation should be considered sympathetically.

The panel will consider the letter from the complainant (outlined above) and if needed request that the complainant submit in writing (within a reasonable timescale) any further information needed by them relating to their reasons for requesting a review and any perceived failures arising from the investigation process followed. The head teacher or investigating governor will be invited to make a written response to the complainant’s submissions.

The decision maker should provide the panel with all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).

The panel should communicate its findings to the complainant, head teacher and chair of governors within 25 school days of receipt by the clerk of the complainant’s letter requesting a review.

If the complainant is still not happy at this stage they should be informed that they can appeal to the Secretary of State for Education (or any other relevant body appointed to hear parental complaints against schools as set out in Regulations or Acts of Parliament) on the following grounds:

- The governing body is acting or proposing to act unreasonably
- The governing body has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

The governing body notes that the Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so. The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State

Additional Note

Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined above will not apply.

Dealing with Unreasonable, Serial or Persistent Complaints

We are 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.

We define 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 outcome 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 number of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescale
- Make unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaints 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 and completed including referral of 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 head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking against the complainant.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complaints 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 the school.

Complainants Who Behave in an Unacceptable Way

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 head teacher 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. (*For further details see managing aggressive and violent behaviour from parents and visitors policy.*) 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 head teacher or Chair of Governors

This policy is reviewed annually and the review brought to the Governing Body

AFTER THE COMPLAINTS PROCEDURES THERE ARE NO FURTHER RIGHTS OF APPEAL TO THE SCHOOL.

If you have completed these procedures and you are still dissatisfied, you have the right to refer your complaint to the Secretary of State:-

Department for Education (DFE)
School Complaints Unit
Piccadilly Gate, Store Street
Manchester, M1 2WD
WWW.EDUCATION.GOV.UK/HELP/CONTACTUS
National helpline: 0370 000 2288

Recording Complaints

Written records will be kept of all complaints, including whether they were resolved at a preliminary stage or were preceded a panel hearing. A copy will be kept on the school premises available for inspection. Individual complaints may be revealed to the secretary of State as well as inspectors operating under section 162A of the 2002 Act.

Further Advice and/or Assistance May Also be Available from the Following Sources:

ACE (Advisory Centre for Education)

(Advice line for parents on all matters concerning schools) 72 Durnsford Road,
London
N11 2EJ
Tel: 0300 0115 142
<http://www.ace-ed.org.uk/>

Citizens' Advice Bureau

9 Station Road, HARROW,
Middlesex, HA1 2XH
Tel: 020 8427 9477
<http://www.harrowcab.org.uk>

Harrow Association of Disabled People (HAD)

The Wealdstone Centre

www.had.org.uk

38-40 High Street Wealdstone, Harrow HA3 7AE

Tel: 020 8861 9920

Email: general@had.org.uk

Harrow Association of Voluntary Services (HAVS)

The Lodge, 64 Pinner Road Harrow, HA1 4HZ

Tel: 020 8861 5894

contact@voluntaryactionharrow.org.uk

Harrow Council for Racial Equality (HCRE)

PO Box 18

Harrow, HA1 2UT

Tel: 020 8427 6504

equalities@harrow.gov.uk

Kidscape

2 Grosvenor Gardens

London, SW1W 0DH

Tel: 08451 205204

<http://www.kidscape.org.uk>

Family Lives (formally Parentline

Plus)(Free National Helpline for

parents) Tel: 0808 800 2222

www.familylives.org.uk

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 Coordinator (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, head teacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure
- Keep records
- Be aware of issues regarding:- sharing third party information
- Additional support – this may be needed by complainants when making complaint including interpretation support

The Investigator

The Investigator is the person involved in Stage one and two of the procedure. The Investigator's role can include:-

- Providing a comprehensive, open, transparent and fair consideration of the complaint through
- Sensitive and thorough interviewing of the complaint to establish what has happened and who has been involved
- Consideration of records and other relevant information
- Interviewing staff and children/young people and other people relevant to the complaint
- 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
- Making sure that they conduct interviews with an open mind and be prepared to persist in questioning
- Keeping notes of interviews or arrange for an independent note taker to record minutes of 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 decision
- Liaise with the complaints coordinator

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 them 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
- They liaise with the Clerk and complaints co-ordinator

The Panel Member

Panelist 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 may 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 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
 - 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 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 questions twice
- Make notes of each answer given
- Deal with conflicting evidence by seeking corroborative evidence. If this is not

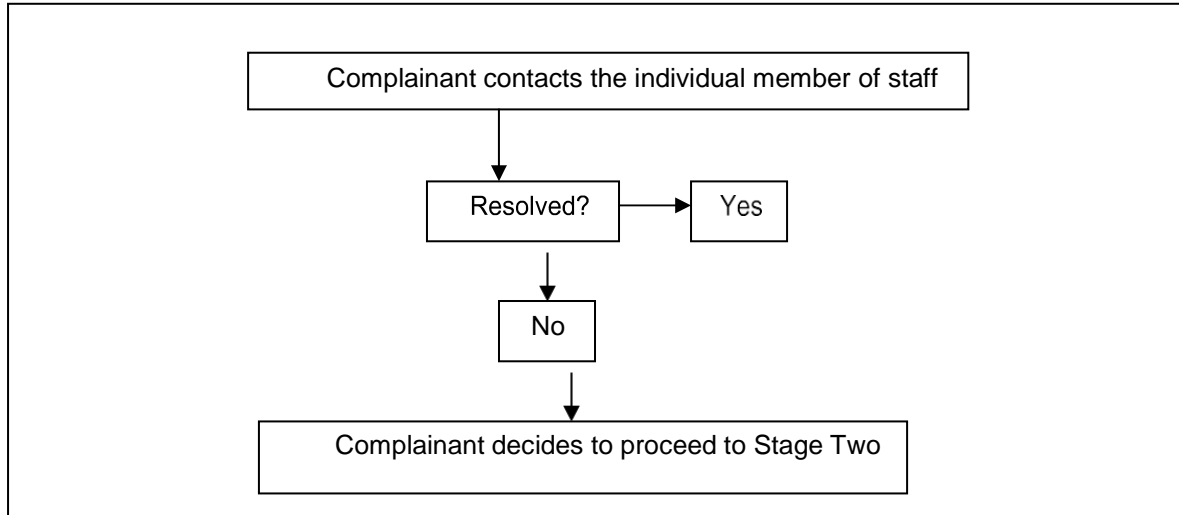
available, discuss with the complaints coordinator/head teacher/ Chair of Governors
the option of a meeting between the conflicting witnesses

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 sign the record.

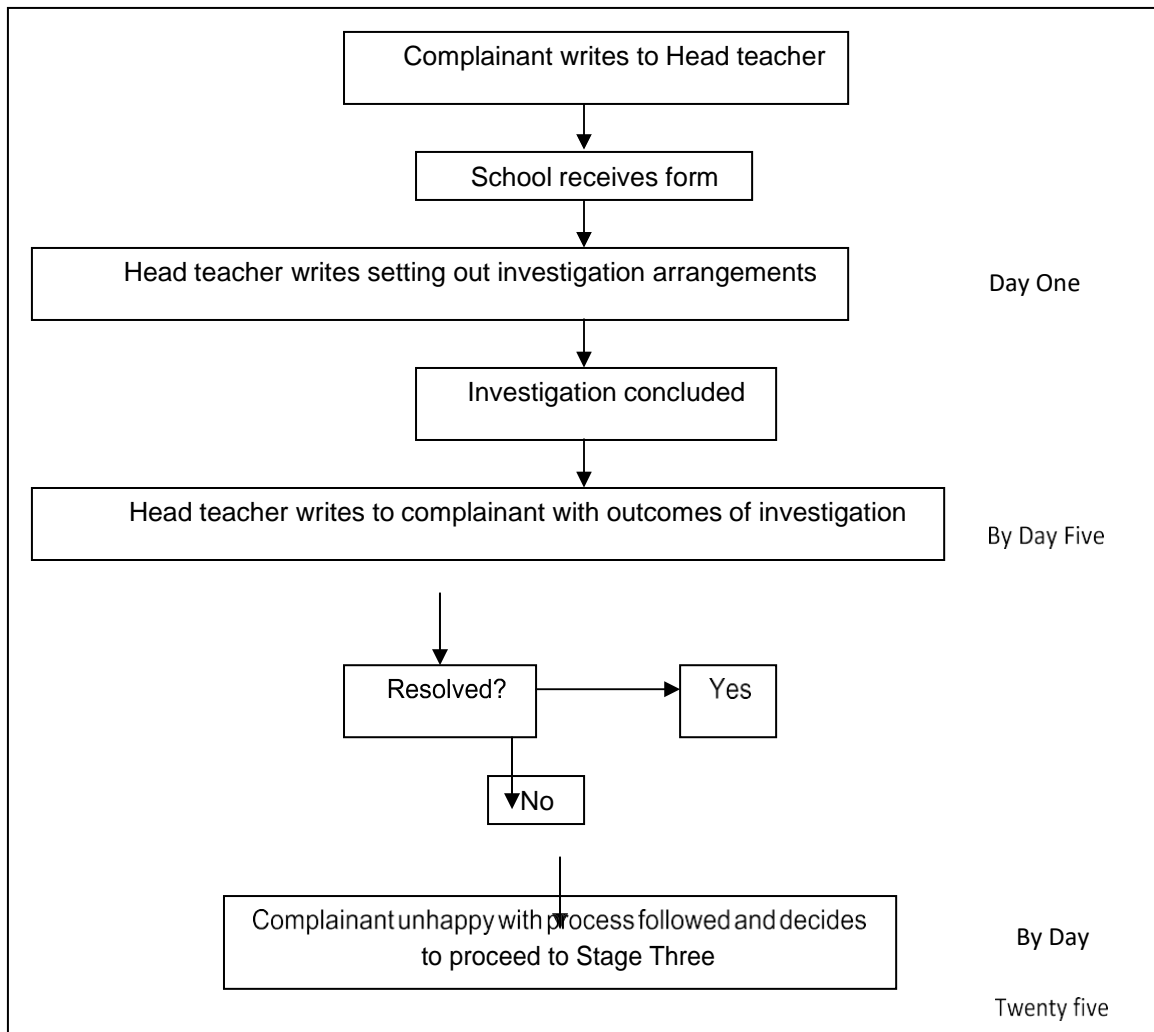
Appendix D

Complaints Procedure for Schools - Flowchart

Stage One – Informal Stage

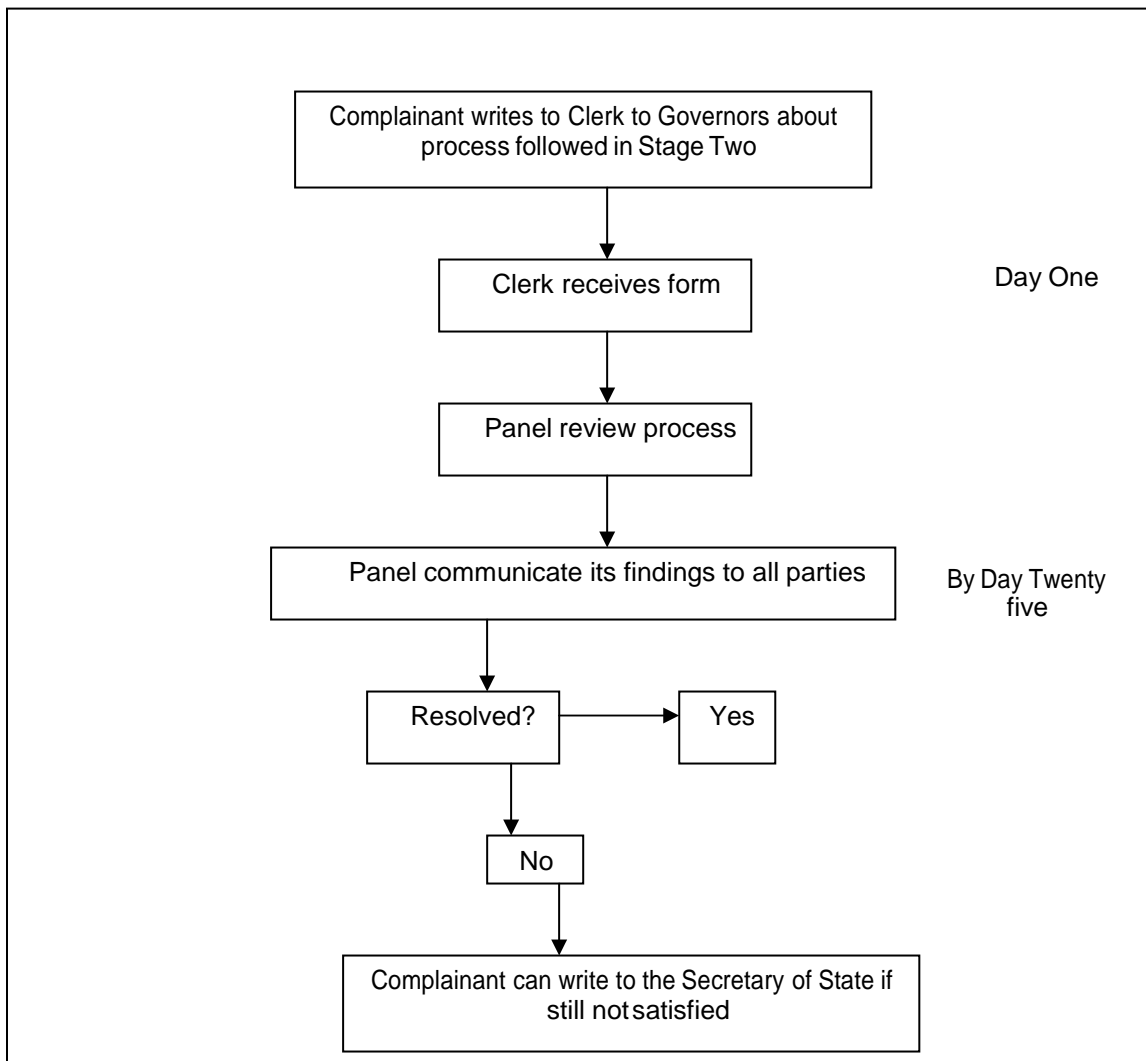


Stage 2 – Formal Stage



Stage Three – Governors Review Panel

Elmgrove School Meeting Request



Form

Note: - If the complaint is about the actions of the head teacher then the chair of governors carries out the head teacher's role indicated above.

Appendix B

I wish to meet _____ to discuss the following matter.

Brief Details of topic discussed:

Dates/times when it should be most convenient for a meeting :

Your Name : _____

Relationship with the school (e.g. parent of a pupil on the school roll) _____

Pupil's name if relevant to the matter to be discussed _____
Year group _____

Home address

Telephone numbers mobile _____ Home _____

Email address _____

Signed _____

Date _____

(Please complete this form and return to the school office)

School use:

Date response sent:

Date form received:

Response sent by:

Received by:

Appendix D

Acknowledgement of Receipt of Formal Complaint and Invitation to Meet

Dear _____

I have received your formal complaint dated _____ I am grateful that you have brought this to my attention.

The school and Governing Body take any complaint most seriously. Therefore I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly.

You are welcome to be accompanied to the meeting by a friend, if you would find this more helpful. Please telephone _____ in order to arrange an appointment. I can offer you an appointment at _____ on _____ Please let me know if this is convenient.

I hope that we will be able to resolve your concerns through our meeting, but if not I will ensure that the appropriate investigation takes place. This should begin within 5 days of our meeting.

Yours Sincerely

Headteacher

Chair of the Governing Body

Elmgrove Primary School and Nursery
Kenmore Avenue
Kenton
Harrow
HA3 8LU



 020 8909 2992
 020 8909 1477
 office@elmgrove.harrow.sch.uk
 www.elmgrove.harrow.sch.uk



Appendix D

Formal Complaints Form (Stage 3 of Complaints Procedure)

Name

Address

Postcode

Telephone no.

Day

Evening

What is your complaint about?

Have you complained to the Head teacher?	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

When did you do this?	Date:
<input type="text"/>	<input type="text"/>

What happened when you complained to the Head teacher?

Signed

Date

Please return this form to the: Clerk to the Governing Body, Elmgrove Primary School & Nursery, Kenmore Avenue, HA3 8LU.

Appendix E

The Meeting of the Governing Body's Complaints Appeal Panel

This is the final stage of the procedure. There is no further redress or appeal. It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:

- Consider the need at the earliest opportunity the need for a full hearing and in any event within 15 working days of the date the claim form is filed
- Consider what evidence or information may be required to make a decision at the conclusion of a full hearing
- Be prepared to commission, organise or conduct further investigations if necessary;
- Give the complainant and the Head teacher an opportunity at full hearing to state their case or any defence and suggest what might put things right
- Consider whether mediation is a more appropriate approach to resolution of the issues
- Consider at all times that a complaint is an expression of dissatisfaction however made, by a parent or carer with a legitimate interest in the school It may be about school policies or procedures, the conduct, actions or omissions of members of staff employed at the school or the standards of teaching and learning
- Be prepared to take whatever action is required

The Complaint Form

A complaint form shall only be accepted by the Chair of Governors or the Appeal panel and lead to an Appeal Panel meeting if it sets out the following:

- The Head teacher's action or lack of action that has caused them dissatisfaction or any harm
- What remedy they seek
- A summary of the key facts they rely on

If the complaint form does not meet these requirements the Chair of Governors shall remit the matter to the complainant for further clarity. If the complainant does not provide an amended complaint form within 30 school days of this request the Chair of Governors or Appeal Panel may dismiss the complaint and shall send a letter to the complainant with written reasons for the same.

Timescales

Within 5 school days of receipt of the complaint form the following case management decisions shall be made:

- The Chair of Governors or alternatively a complaints panel shall be convened by the Clerk to the governors to consider whether the complaint form should be remitted to the complainant for further clarity or the matter is able to proceed to a hearing.
- If the Chair of Governors or panel agree the matter is ready to proceed to a hearing, set a date for the Appeal Panel Meeting within 5 school days of an accepted complaint form.
- Set a timetable for the receipt of any further information the complainant and Head teacher may submit, which in any event must be no later than 5 school days before the Appeal meeting.
- Send a letter to the complainant permitting any amendment of the complaint form before the matter is set down for full hearing.

As far as possible, the Appeal Panel meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come to the panel as quickly as possible, especially as the complainant may already have been engaged over a protracted period in attempts to put things right.

Before the Appeal Panel Meeting: Members of the Panel should consider carefully any documentation from the head teacher or the complainant but should not discuss the matter with anyone, including the other members of the panel, before the meeting. This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.

Conduct of the Meeting:

- One of the panel members must act as Chair and there should be a clerk for the meeting.
- A “Procedural Adviser” (e.g. Local Authority or HR representative) may be invited to advise and support the panel.
- The parent/carer must be told that they are permitted to bring a friend or representative to the meeting.
- The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents/Carers may be emotional when talking about their child; the head teacher and others involved in the earlier investigations may fear that their professionalism could be under attack. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together.
- It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel at the end that their complaint has been taken seriously and examined impartially.
- If the complaint is about the Head teacher or Chair of governors and has been investigated by the Chair of governors or another governor respectively at Stage 2 then that governor may present the case on behalf of the school.
- Very special care should be taken if the complainant is a child or if there are child witnesses. Children’s views should be given equal consideration to those of adults. If a parent/carer has complained on behalf of a child, the parent/carer should be given the opportunity to say which parts of the meeting the child needs to attend.

Meeting Procedures:

- Welcome, introductions and explanations of the proceedings by the Chair.
- The complainant is invited to explain the complaint.
- The head teacher may ask the complainant questions.
- The panel may ask questions at any time.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the head teacher may ask them questions. In each case, the witness will leave after their ‘evidence’.
- The head teacher is invited to explain the school’s actions.
- The complainant may ask the Head teacher questions.
- If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.

- When the Chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
- The head teacher is then invited to sum up the school's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within three school days following the day of the hearing.
- Both parties leave together while the panel decides on the issues.

Options Open to the Panel:

The panel may:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend 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.

After the Hearing

The following actions need to be taken:

- The Chair of the Panel agrees with the clerk the wording of the letter to be sent to both parties. The clerk then ensures that the letter is sent out in accordance with the agreed timescale.
- The clerk writes up the notes of the meeting and gives a copy to the Chair of the Panel.
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.