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'As a federation, and as individual schools, we are committed to the wellbeing of all of our community - this is an integral part of each school's culture and ethos. Policies are formulated and implemented with this in mind, placing the wellbeing of all at the forefront at all times.'

Complaints Policy

DECEMBER 2018

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Table of Contents

1. Introduction	3
2. AIMS	3
3. Procedure.....	4
4. Stage 1 – Dealing with Concerns/Complaints – Informal.....	6
5. Stage 2 – Dealing with Complaints – Formal.....	6
6. Stage 3 - Panel Appeal.....	7
7. Further Appeal	9
Appendix 1 – Complaint Flow Chart	10
Appendix 2 Procedures for Complaints Other Than By Parents	11
Appendix 3 Procedural Notes For Complaint Panel Members	13
Appendix 4 Unreasonable Complainants	17

1. Introduction

- 1.1. This policy applies across the CHBP Federation, and sets out procedures to deal with complaints relating to the Federation itself and to both individual schools within it. Within the Federation there is now single Governing Body for both schools. Where reference is made to 'the school' this refers to either Brunswick Park Primary and Nursery School or Church Hill Primary School, depending on which school is the subject of the complaint.
- 1.2. All meeting notes; correspondence (letters and email); telephone conversation notes and relevant documents and records will be retained by the school in accordance with the Federation's Data Protection procedures.
- 1.3. Section 29 of the Education Act 2002 requires all local authority schools to have and make available a procedure to deal with complaints relating to their school and to any community facilities or services that the school provides. This document sets out CHBP Federation's Complaint Policy and the procedures for dealing with any complaints raised both informally and formally.
- 1.4. In producing this policy the Federation has taken note of the Department for Education (DfE). 'Best Practice Advice for School Complaints Procedures', published in January 2016

2. AIMS

- 2.1. The policy aims to resolve complaints and restore working relationships.
- 2.2. This policy does not cover:
 - Child protection procedures
 - Appeals on Admission (see admissions Policy)
 - Appeals to the Governors Discipline Committee against permanent exclusion from school.
 - Staff grievances & disciplinary procedures.
 - Statutory assessments of Special Educational Needs (SEN).
 - School re-organisation proposals.
 - Whistleblowing (see whistleblowing Policy)

- Complaints about services provided by 3rd party providers who use the premises or facilities at either school (Contact 3rd party directly)

3. Procedure

- 3.1. A clear distinction needs to be made 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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.
- 3.2. Where possible, concerns will be addressed informally, with the intention to resolve without recourse to formal procedures. In most cases, the class teacher should be approached first. Governors approached by someone informally will wherever possible refer the person to the member of staff best able to help. If governors become involved closely at this stage, they cannot be involved later in the process.
- 3.3. The Federation will consider the need to take legal advice before proceeding beyond initial acknowledgment that the complaint has been received. This will depend on the nature of the complaint.
- 3.4. The complaint procedure will follow a three stage approach.
 - Stage 1. - Informal (Usually a meeting with the complaint)
 - Stage 2. - Formal (The complaint is put in writing)
 - Stage 3. - Panel Hearing.

These stages are set out in sections 4, 5, and 6 below.
- 3.5. There will be a clear timescale for dealing with complaints.
- 3.6. All complainants will be directed to this Complaints Policy, available on the school websites, and also offered a copy by post or e-mail. All new parents will be made aware of the Complaint Policy when their child joins either school.
- 3.7. A written record will be kept of all complaints, and why at what stage they were resolved. This will be reviewed annually by the Governing Body.
- 3.8. All correspondence, statements and records relating to individual complaints are to be kept confidential, except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

- 3.9.** It is acknowledged that, depending on the circumstances, a complaint may be verbal, or written in a letter or in an e-mail. In all cases the matter should be acknowledged within five days and dealt with promptly. The complainant should be regularly updated on progress if the investigation or response is delayed.
- 3.10.** Appendix 1: has a Complaint Procedure Flow Chart. Note that complaints against the Headteacher are usually dealt with by the Chair of Governors in the first instance. Complaints against the Chair of Governors or any individual governor should be made by writing to the clerk to the Governing Body whose contact details can be obtained from the School.
- 3.11.** This policy is primarily focused on complaints made by parents/those with parental responsibility about their children's school. Although the requirements and procedures may be the same, Appendix 2 has further information about other complaints, for example, from members of the public.
- 3.12.** It is expected that all parties act appropriately, professionally, honestly, courteously and respectfully at all stages of a complaint. If anyone from either school behaves unacceptably while dealing with a complaint, the staff or Governor, disciplinary procedures will be followed. If the actions of a complaint are threatening, rude, abusive or otherwise outside the expectations outlined above, the person will be asked to modify their behaviour and they will be warned that, unless they do so, their complaint may be dealt with in their absence, or ultimately no longer considered. Should they persist, these sanctions will be followed.
- 3.13.** In cases where either school or the Federation is contacted repeatedly by an individual making the same points, and the school/Federation has followed the complaints procedure and done all they can in response to the complaint, the school/Federation may choose to view the correspondence (but not the complaint) as 'serial' or 'persistent' and may choose not to respond. The complaint would be informed of the school/Federation decision.
- 3.14.** There may be some complainants who, because of the frequency or nature of their contacts with either school, hinder the consideration of their or other people's complaints. The policy in relation to 'Unreasonable Complaints' is set out in Appendix 3.

4. Stage 1 - Dealing with Concerns/Complaints - Informal

- 4.1. Once a concern is raised or a complaint is received, it will be passed as soon as possible, preferably immediately, to an appropriate member of staff and all efforts made to resolve the issue informally.
- 4.2. The complaint will be acknowledged within five school days and the complainant told who will be contacting them and looking into their case.
- 4.3. The complaint will be investigated by an appropriate member of staff and a meeting arranged to discuss and hopefully resolve the problem. This will be done as quickly as possible. If likely to take longer than five school working days, the complainant will be kept informed.
- 4.4. All e-mails, letters and notes taken at meetings or during phone conversations will be kept.
- 4.5. If this informal attempt to resolve the issue is unsuccessful and the person raising the issue remains dissatisfied and wishes to take matters further, they should be asked to put their complaint into writing. If the original complaint was in writing, they should be asked to write again stating why they are still unhappy indicating it is now a formal complaint.

5. Stage 2 - Dealing with Complaints - Formal

- 5.1. Formal procedures will need to be invoked when informal attempts to solve the problem have been unsuccessful, or if the complainant wishes to move to the formal stage immediately.
- 5.2. A formal complaint must usually be made in writing. However both schools in the Federation will accept alternative methods of contact such as in person or by telephone where appropriate in order to comply with obligations under the Equality Act 2010.
- 5.3. There are two formal stages for a complaint:
 - Complaint heard by the Executive Headteacher
 - Complaint heard by the Governing Body Complaint Appeal Panel.
- 5.4. Once formal procedures are started, e-mail correspondence will not be used to contact the complainant: notes and records of any correspondence will be kept.
- 5.5. The formal complaint will be acknowledged within five school days and the complainant told who will be contacting them and looking into their case.
- 5.6. The schools will aim to deal with complaints quickly and efficiently and typically within ten school days of the formal complaint.

- 5.7. Responses to formal complaints will be made in writing, though it may be appropriate or necessary to also arrange to meet the complainant.
- 5.8. If required to be escalated to the Governing Body, the Governing Body will aim to deal with and respond fully to formal complaints within twenty school days of the complaint being received. If this is not possible, the complaint needs to be given the reason for the delay and kept informed of progress.
- 5.9. The complainant may threaten to inform the media if their issue is not addressed. When such a threat is made, it is important that the complainant is assured that this is their right but that you will follow up their complaint in line with the above procedures.
- 5.10. When threatened with legal action, the complaint will be handled according to these guidelines. There should be no response to the threat of legal action until a letter from lawyers is actually received. Once a formal solicitor's letter is received, two things should be done:
- The letter will be acknowledged and the sender informed that the School are taking advice and will respond fully in due course.
 - Advice should be sought from the Local Authority.
- 5.11. Complainants will sometimes contact their local Councillor or MP who will then write to the relevant School. If this happens, the School should reply that the matter is being dealt with through the School's complaint procedure and say that the School will inform them of the outcome in due course.

6. Stage 3 - Panel Appeal

- 6.1. This is the final stage for a complaint at school level. The complainant must write to the Chair of Governors with details of the complaint, stating why they remain dissatisfied with earlier attempts to resolve the matter.
- 6.2. The purpose of the Governing Body Complaint Appeal Panel is to give the complainant a hearing in front of a panel of Governors who are as independent as possible and who can therefore consider the issue without prejudice. The aims of this panel are to establish facts, help resolve the complaint and achieve reconciliation between the School and the complainant. Any failings of procedure or practice should be noted and recommendations made which might help prevent similar problems in the future.

- 6.3. The Chair of Governors will arrange for the complaint to be investigated and considered under the arrangements approved by governors for this purpose. If convened, the panel will consist of at least three people who were not directly involved in the matters detailed in the complaint and have no knowledge of the details. For this reason, the Chair of Governors might be disqualified from sitting on the panel. One panel member will be independent of the management and running of the Federation or school's within it and will typically be a governor at another school. The complainant must be given the opportunity to attend and be accompanied at the hearing if they wish.
- 6.4. Dependant on the nature of the complaint, the Chair of Governors, or person convening the Complaint Panel, may decide that the matter should be dealt with in accordance with other school policies or procedures, for example: if it concerns the personal conduct of a member of staff which might be dealt with in accordance with the Disciplinary Procedures of the individual school or the Federation; a complaint about a member of the Federation's Governing Body might be dealt with by the Federation's 'Governor Code of Conduct'; etc. If this is the case, all parties should be informed of how the matter will proceed. (See also Appendix 2).
- 6.5. A clerk with relevant skills and experience will be appointed by the Chair of Governors or Chair of the Panel; either through the Barnet Clerking Services or an independent provider. The Clerk will be the point of contact for all parties and all correspondence relating to the Complaint Panel will be through them.
- 6.6. The panel will meet to consider all evidence and representations and will make findings and recommendations at the end of the process. It is important that the complainant and the defendant/school representatives are in attendance where possible and practical, so that the panel and all parties have an opportunity to hear what the other has to say and be able to question and comment. The meeting will be minuted by the Clerk solely for the use by the panel during deliberations. A copy of any findings and recommendations will be sent to the complainant and, where relevant, the person complained about: and will be made available for inspection on the school premises by the Chair of Governors and the Executive Headteacher. Further details on procedure are in Appendix 3.

7. Further Appeal

7.1. This information should be included with the Complaint Panel decision: If a complaint has completed the Federation's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the [online form](#) or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

7.2 The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school, or governing board could act in the circumstances

Appendix 1 - Complaint Flow Chart



* Depending on the nature of the complaint, the Chair of Governors may delegate the investigation to the Vice-chair of Governors in the first instance and only become involved personally if the dispute escalates or goes to appeal.

** The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. One panel member will be 'independent of the Federation' and typically a governor of another school.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

Appendix 2 Procedures For Complaints Other Than By Parents

1. Complaint made by one member of staff against another (including the Headteacher)

If an issue cannot be resolved through the day to day management activities of the individual school or the Federation, the normal course of action would be to invoke the 'Staff Grievance Procedures'.

2. Complaint made by a governor (in their capacity as such) about a member of staff (including the headteacher)

The governor would be expected to raise the issue with the Chair of the Governing Body who should attempt to resolve the matter informally with the individual school, or with the Executive Headteacher. If this is not possible, the complaint should be dealt with through the Complaint Procedure as outlined in this document. If the complaint is related to the personal conduct of a member of staff, it may be more appropriate to invoke the Federation's 'Disciplinary Procedures'.

3. Complaint made by a governor (in their capacity as a member of the Public or as a Parent)

This should be dealt with through the Complaint Procedure as outlined in this document. See also: the Governor Code of Conduct sections on Conflict of Interest and Suspension of Governor Duties.

4. Complaint against individual governor/s other than by other governor/s

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of any governor concerned, a panel of governors could be set up to consider the matter under Stage Three of the Complaint Procedure as outlined in this document.

5. Complaint against individual governor/s by another governor/s

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, the procedures laid out in the Governor Code of Conduct should be followed.

6. Complaint by a member of staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the Full Governing Body, the matter would have to be put on the agenda for review at another meeting. If the decision was then confirmed, that would be the end of the matter.

If a committee or individual with delegated authority took the original decision, then a panel of governors not involved in the original decision should review the matter. Any decision by the panel would be final.

7. Complaint by a member of the public (not a parent) or an organisation or business

Complaints from members of the public or an organisation/business are most likely to be dealt with by the Headteacher and beyond that the Chair of Governors. However, the same three-stage Informal, Formal and Panel process will be followed.

The schools / Federation should consider the need to take legal advice before proceeding any further than acknowledging the complaint.

8. Complaint by a parent whose child no longer attends the school

Where parents have removed their child from the roll of a school to whom they wish to make a complaint, complaints made by that parent would be dealt with as per a 'member of the public'. However, the individual school and Governing Body have a duty of care to students who remain on roll and it would be advisable to investigate the circumstances to ensure that no one had acted inappropriately and that procedures and policies had been followed. There would be no requirement to notify the complainant of the findings of the panel, especially if the Governing Body felt that by doing so would be of no benefit to the individual school. However, it would be good practice to inform parents whether the complaint had been upheld or otherwise.

The school / Federation should consider the need to take legal advice before proceeding any further than acknowledging the complaint.

9. Complaint made by a student

If a complaint or concern is received from a student, which cannot be resolved informally, their parent or guardian should be informed and the matter dealt with as for a formal parental complaint. In the case of a complaint concerning child protection issues, the Federation's 'Safeguarding Procedures' should be followed in the first instance.

Appendix 3 Procedural Notes For Complaint Panel Members

These notes assume that the complaint is made by a parent about something to do with the Federation or one of the schools within it. If this is not the case, the basic procedure should be followed, but exact details may require modification.

The Panel members should weigh up all the evidence,

- a. The remit of the Complaint Panel:
 - The panel can:
 - i. Dismiss the complaint in whole or in part;
 - ii. Uphold the complaint in whole or in part;
 - iii. Decide upon the appropriate action to be taken to resolve the complaint;
 - iv. Recommend changes to the Federation/School's systems or procedures to ensure that problems of a similar nature do not recur.
- b. There are several points which any Governor sitting on the Complaint Appeal Panel needs to remember:
 - i. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the Panel if they have had prior involvement in the complaint or in the circumstance(s) surrounding it. When deciding the make-up of the Panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation;
 - ii. The aim of the hearing, which needs to be held in private, should always be to resolve the complaint and achieve reconciliation between the school and the complainant;
 - iii. An effective Panel will acknowledge that complainants, respondents and witnesses may feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Appeal will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial. Complainants and respondents can be accompanied by a 'friend' or advisor if they so choose.
 - iv. It is recommended that the panel be chaired by the most senior Governor without prior involvement in the case. The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
 - v. all the issues are addressed;

- vi. key findings of fact are made;
 - vii. parents and others, who may not be confident or used to speaking in such circumstances, are put at ease;
 - viii. the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
 - ix. the Panel is open-minded and acting independently;
 - x. no member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
 - xi. each side is given the opportunity to state their case and ask questions;
 - xii. should a new issue arise in advance of the meeting, it is important all parties have at least **five school days** to consider, prepare or comment.
 - xiii. notes will be taken during the meeting - although these will be solely for the use of the Panel members during deliberation and will be exempt from FOI requests.
- d. The complainant will be asked to provide exact details of their complaint, together with any further written documentation and any witness statements; and whether they wish to have any witnesses present. The respondent (the Executive Headteacher if the complaint is against 'the school') will be asked to prepare a written report, plus provide any reports or statements from other members of staff/witnesses. Any member of staff may wish to have a professional association representative present and it is recommended, as a minimum, that advice is sought in advance of the meeting.
- e. The Chair of Governors or Panel Chair will arrange appointment of a Clerk, at which time all correspondence between parties will be through the Clerk.
- f. The Clerk will arrange a date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- f. At least **five school days** before the meeting, the time, date and venue need to be notified to all parties and copies of all relevant written reports and statements sent out.
- g. The Panel should follow this procedure during the hearing:
- i. The appointed Clerk will meet and welcome the parties as they arrive and invite them into the meeting room when ready;
 - ii. Witnesses are only required to attend for part of the hearing in which they give their evidence;
 - iii. Both complainant and respondent (and anyone 'accompanying') have the right to sit in throughout all parts of the meeting, except during the final deliberations of the Panel;

- iv. The Clerk will take notes or otherwise record the proceedings for use by the Panel during later deliberations;
- v. After introductions, the complainant is invited to explain their complaint and be followed by their witnesses;
- vi. The respondent, may question both the complainant and the witnesses after each has spoken;
- vii. The respondent, is then invited to explain their/the school's actions and be followed by their own witnesses;
- viii. The complainant may question both the respondent and their witnesses after each has spoken;
- ix. The Panel may ask questions at any point;
 - x. The complainant is then invited to sum up their complaint;
 - xi. The respondent is then invited to sum up their/the school's actions and response to the complaint;
 - xii. The Chair of the Panel explains that both parties will hear from the Panel within the set time scale - usually five school days, or unless agreed otherwise by everyone at this point in the meeting;
 - xiii. Both parties leave together while the Panel decides on the issues;
 - xiv. The appointed Clerk will notify all parties of the Panel's decision.
- h. All parties required to attend any meeting or hearing will have the opportunity to be accompanied by a friend or representative who may speak on their behalf.
- i. Any member of staff named in the complaint (as involved or as a witness to an event) may also choose to attend a meeting, even if not required to do so by the Governors, and may be represented. If this happens, the complainant should be told before the meeting.
- j. Depending on the nature of the complaint, the school may have sought legal advice. If a lawyer has been asked to attend, the complainant must be told in advance of the meeting to allow the opportunity to consult their own legal advisor.
- k. Should a party or any witness fail to attend a meeting, the Panel must decide whether to postpone or continue with the meeting. They should take into account reasons for non-attendance, importance of the person in establishing facts of the complaint, opinion of the other parties etc. If either the complainant or the defendant fail to attend, it would be more difficult for the Panel to come to an accurate and reasonable decision about the complaint and achieve reconciliation. For this reason it is suggested that a postponement would be more appropriate. However, in this case, all parties should be informed that the new meeting would proceed with or without them.

- l. When the complaint has been fully investigate and considered, the Chair of the Complaint Appeal Panel will arrange for the complainant and defendant to be notified **in writing** of the findings. This will be by post and usually within **five school days**. The findings may also be sent as an email attachment if required. Any variation must be agreed by all parties during the meeting.
- m. The Headteacher will inform the Chair of Governors of any actions being taken based on the Panel's recommendations. These will be reported to the Governing Body.

Appendix 4 Unreasonable Complainants

The CHBP Federation is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The Federation 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 Federation's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;

- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

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

Complainants should limit the numbers of communications with the school or the Federation 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 Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an unreasonable' marking.

If the unreasonable behaviour continues, the Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact either School in the Federation causing a significant level of disruption, the Executive Headteacher or Chair of Governors may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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