

# Lancasterian Primary School

Complaints Policy

*A Haringey Schools Policy*



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## **1 INTRODUCTION**

- 1.1 In accordance with Section 29 of the Education Act 2002 every school must have a complaints procedure in place to deal with concerns and complaints raised about any service the school provides. Responsibility for maintaining and monitoring the procedure, and ensuring it is available, lies with the Governing Body.
- 1.2 Every school in Haringey works hard to ensure that it operates effectively and efficiently. However, it is important that when complaints are made they are resolved effectively and efficiently.
- 1.3 This document is intended to provide guidance and support for schools for the handling and investigation of complaints. The document also provides a complaints procedure which has been developed for adoption by schools in Haringey.

## **2 WHY COMPLAINTS MATTER**

- 2.1 Complaints provide a continuous source of feedback from the school's wider community covering every aspect of the school. An effective and efficient process for investigating complaints can provide valuable feedback leading to many benefits for a school and its community.
- 2.2 A well-established complaints procedure demonstrates that the school takes complaints seriously and listens to its community. In addition:
- It contributes positively to the image and credibility of the school
  - It leads to improved confidence and satisfaction within the local community
  - It can serve as an early warning sign to identify any areas where things are not running smoothly
  - It keeps complaints within schools, preventing dissatisfied members of the community from taking complaints further to other external bodies
- 2.3 An effective complaints procedure should:
- Encourage resolution of problems by informal means wherever possible
  - Be easily accessible and publicised
  - Be simple to understand and use
  - Be impartial
  - Be non-adversarial
  - Allow swift handling with established time limits for action and keeping people informed of the progress
  - Ensure a full and fair investigation by an independent person where necessary
  - Respect people's desire for confidentiality

- Address all of the points at issue and provide an effective response and appropriate redress where necessary
- Provide information to the school's senior management team so that services can be improved

### **3 WHAT IS A COMPLAINT?**

- 3.1 Schools need to be clear about the difference between a complaint and a concern. Ensuring that informal concerns are dealt with effectively and seriously in the earliest stages will reduce the total number of concerns developing into formal complaints. The complaints procedure should not undermine efforts to resolve the concern or complaint informally. Concerns should be handled if possible without the need for formal procedures and any complaints should be handled as informally as possible.
- 3.2 In most cases the class teacher or the individual delivering the service will be approached initially. It would be helpful if staff were able to resolve issues on the spot including apologising where necessary. However often formal complaints will be received when a child's education is being affected. The scope of complaints in a school is non-exhaustive and it could include the actions of another pupil, a teacher, the curriculum, transport safety or catering- any number of aspects of school life.
- 3.3 A complaint can be defined as:
- 3.4 *'Any expression of dissatisfaction about something which the school its pupils or its Governing Body have or have not done, or about its policies, and which requires a response'.*

### **4 ALTERNATIVE STATUTORY PROCEDURES**

- 4.1 Not all areas of complaint are appropriate for schools to resolve themselves. For the following there are statutory procedures to be followed:
- Admissions to schools
  - Statutory assessments of special educational needs
  - School re-organisation proposals
  - Matters likely to require a Child Protection investigation
  - Exclusion of children from school
  - Whistle blowing
  - Staff Grievances and disciplinary procedures
  - Complaints about services provided by other providers who may use school premises or facilities

4.2 Often parents do not know that statutory procedures apply to a complaint and it is important that these procedures are outlined in the school's complaints procedure, complete with relevant contact details.

4.3 It is also vital that all members of school staff and governors are aware of which complaints should be dealt with under which procedures and know the contact details so that when a parent does complain about one of the above they are quickly told whom to approach. **Appendix C** lists statutory procedures and provides local contact details and information.

## **5 DISCRIMINATORY INCIDENTS**

5.1 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 places specific duties on school Governing Bodies to draw up and publish equality objectives every four years and annually publish information demonstrating how they are complying with the general public sector equality duty.

5.2 Should an incident perceived to be racist or discriminatory in nature be reported to the school by a pupil('s) parents' guardians/carers or a member of staff the school's staff management is advised to check guidance set out in any policies such as the school's Behaviour policy for dealing with discriminatory incidents or bullying.

## **6 HANDLING AND INVESTIGATING COMPLAINTS**

6.1 The proposed procedure for dealing with complaints about schools has well defined stages and is based on stages of increasing formality; the first four stages are based within a school and it is desired that most complaints are resolved within these stages. However, for those occasions when a complainant is not satisfied with the school's response Stage 4 (if applicable) and Stage 5, involving external bodies, will need to be invoked.

6.2 Three formal school-based stages should be sufficient for most schools:

|                     |   |
|---------------------|---|
| Informal stage:     | Complaint heard by staff member                 |
| Stage 1:            | Complaint investigated by Head teacher          |
| Stage 2:            | Complaint considered by Chair of Governing Body |
| Stage 3:            | Complaint heard by Governing Body panel         |
| Stage 4: (Optional) | Refer to an Independent Panel                   |
| Stage 5:            | Secretary of Stage (SoS)                        |

A flow chart of the stages in the proposed procedure can be found at **Appendix A**.

6.3 Complaints about a member of staff not resolved informally should be dealt with at stage 1 of the complaints procedure, and complaints about the Head teacher or

about a governor (other than the Chair of the Governing Body) should be dealt with stage 2 of the complaints procedure. Complaints about the Chair of the Governing Body should be dealt with at stage 3 of the complaints procedure.

- 6.4 The Governing Body has overall responsibility for implementing and monitoring the complaints procedure and ensuring the complaints procedure is available, although this responsibility may be delegated to a pre-established Governing Body Complaints Committee, consisting of three or five members of the Governing Body. The Head teacher has responsibility for the operation and management of the complaints procedure although this responsibility should be delegated to another member of staff who would co-ordinate complaints (complaints co-ordinator).

#### Foundation schools and church schools

- 6.5 The involvement of the local authority is reduced further in relation to foundation schools and church schools. The relevant Diocesan bodies have developed guidance specifically for church schools. It is recommended that this document is read in conjunction with that guidance. Foundation schools should make it clear within the procedure where complaints should be referred at stage 4 (if applicable).

#### 6.6 Time frames for investigations

- 6.6.1 Whilst needing to remain realistic and to allow a thorough investigation at each stage, time frames for investigations must recognise that complaints need to be considered and resolved as quickly and efficiently as possible. The proposed time limits for each stage of the procedure are detailed below:

|          |                     |
|----------|---------------------|
| Stage 1: | 15 school term days |
| Stage 2: | 20 school term days |
| Stage 3: | 25 school term days |

- 6.6.2 There may be a need for some flexibility within the procedure: for example, the possibility of further mediation between the complainant and a member of staff directly involved in the complaint. Where the issues or the circumstances warrant further or more detailed investigations the time limit can be extended. The new deadline and an explanation for the delay must be communicated to the complainant in writing.

#### 6.7 Recording Complaints

- 6.7.1 Schools must ensure that they meet the Public Sector Equality Duty and their other obligations under the Equality Act 2010. It is common practice to ask for complaints

to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- Schools should record the progress of the complaint and the final outcome. The Head teacher or complaints co-ordinator should be responsible for these records and hold them centrally.
- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

An example of a complaint recording form can be found at **Appendix D**.

## 6.8 Resolving Complaints

6.8.1 In order to ensure the transparency and consistency of the investigation anyone investigating a complaint should ensure they:

- Establish what has happened and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- If unsure or if further information is necessary, meet with the complainant or contact them
- 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 are prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

6.8.2 At each stage in the procedure the investigator should keep in mind ways in which a complaint can be resolved and any anger and frustration defused. It may be appropriate to offer one or more of the following:

- An apology
- An explanation

- Acknowledgement that the situation could have been handled differently or better (note: an acknowledgement that the school could have handled a situation better 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
- A review of school policies in light of the complaint
- Mediation

6.8.3 Complainants should be encouraged to state what actions they feel might resolve the complaints. An effective process will identify areas of agreement between the parties. It is equally important to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss outstanding issues.

## **7 COMPLAINTS MANAGEMENT INFORMATION**

7.1 As well as addressing individuals' complaints, the process of listening to and resolving complaints can contribute to school improvement. Individual complaints may identify underlying issues that need to be addressed within the school. The monitoring and reviewing of complaints by the school and the Governing body is a useful tool in evaluating the performance systems within a school.

## **8 COMPLAINTS BY CHILDREN AND YOUNG CHILDREN**

8.1 Careful consideration is necessary when the complainant is a child or young person. It is important to ensure any investigations or proceedings are carried out with the child or young person in mind. The setting should be kept as informal as possible as it is important to make sure that the child does not feel intimidated.

8.2 It is important to consider the involvement of a parent, teacher or mentor who could act as an advocate and provide support to the child or young person. However, it is crucial to keep the views and wishes of the child central to the way in which the complaints are handled. It may be more appropriate to provide the young person with details of advocacy services should they wish to be represented and supported. Details of services are listed at **Appendix B**.

8.3 Consideration needs to be given to the level of understanding of the child or young person. The investigator or panel needs to be aware of the views of the child and give them equal consideration to those of adults, whilst ensuring information is communicated to the child or young person in a non-threatening and easy to understand format.



## **9 SERIAL OR PERSISTENT COMPLAINANTS**

- 9.1 Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. Sometimes however what the school says can be hard to accept even though it is right. When someone contacts the school again and again repeating the same points, or asking the school to reconsider its position, the school will need to act appropriately.
- 9.2 There will be occasions when despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint, and stop responding. It is a poor use of schools' time and resources to continually reply to repeated letters emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.
- 9.3 If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.
- 9.4 More information about dealing with vexatious requests for information under the Freedom of Information Act 2000 is available on the Information Commissioner's Office (ICO) website.
- 9.5 Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

## **10 PUBLICISING THE PROCEDURE**

- 10.1 The written school's complaints procedure should be made available in paper form to parents and to members of the general public on request and should be published in the school's publication scheme made under the Freedom of Information Act 2000. The procedure should also be published on the school's website (as required by the School Information (England) Regulations 2008 (as amended)) and within the various other publications made available to parents. It is the responsibility of the school Governing Body to ensure the procedure is published.
- 10.2 The school complaint procedure can be published in:
- The school prospectus

- The governors' report to parents
- The information given to new parents when their children join the school
- Home-school bulletins or newsletters
- Documents supplied to community users including course information or letting agreements
- A specific complaint leaflets 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

## **11 GOVERNING BODY REVIEW**

- 11.1 Complaints should not be shared with the whole Governing Body, except in very general terms, in case a Governing Body panel at Stage 3 needs to be organised.
- 11.2 If the whole Governing Body is aware of the substance of the complaint before Stage 3 has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the local authority, or the Diocese.
- 11.3 Complainants have the right to request an independent panel if they believe there is likely to be bias or has been bias in the proceedings at Stage 3. The Governing Body panel hearing the complaint at Stage 3 should consider the request, but ultimately the decision is made by the panel. The panel needs to decide whether it is or has been actually or apparently biased. It will be apparently biased if a fair-minded and informed objective observer, having considered the facts, would conclude that there was a real possibility that the panel, or any member of it, was biased.
- 11.4 The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The Governing Body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure.
- 11.5 It is the Governing Body which determines how often the complaints procedure is reviewed. However, the Department for Education (DfE) suggests that it is good practice that it is reviewed regularly; every two to three years is quite typical. This will enable the school to take into account any new guidance or legislative changes which may be introduced by the DfE. Responsibility for reviewing the procedure may be delegated to a committee of the Governing Body, an individual governor or the Head teacher. If projected review dates are published on the policy document, they should be adhered to. Failure to do so could constitute a failure to adhere to policy.

## **12 MODEL COMPLAINTS PROCEDURE**

### **INTRODUCTION**

- 12.1 This complaints procedure is produced in conjunction with the DfE's 'Best Practice Advice for Schools Complaints Procedure 2016', DfE advice for maintained schools, maintained nursery schools and local authorities. The complaints procedure is a confidential process and, unless they have good reason to do so, those participating in it must not disclose the nature of the complaint or its outcome to third parties.
- 12.2 The Head teacher should delegate the responsibility for co-ordinating complaints to a staff member (the complaints co-ordinator).
- 12.3 A flowchart summarising the complaints procedure is at **Appendix A**

## **13 INFORMAL STAGE: RESOLUTION BY CLASS TEACHER OR STAFF MEMBER**

- 13.1 It is in everyone's interests that complaints are resolved at the earliest possible stage. Any member of staff, class teacher or member of the Governing Body may be approached with a concern or complaint from a member of the school's community or from a member of the general public. It is important that the school attempts to resolve any issues efficiently through discussion with the complainant and staff preferably without invoking the formal procedures. At this stage it is important that concerns are dealt with informally and they can be expressed verbally in writing or over the telephone.
- 13.2 In instances where a governor is approached with a complaint the governor should not act on an individual complaint outside the formal procedure, or become involved at the early stages, as they may be needed to sit on a panel at a later stage of the procedure, or if s/he is the Chair of the Governing Body, s/he may need to consider the complaint at Stage 2.
- 13.3 If the concern relates to a possible child protection issue the complainant should be directed to the school's administrative officer in the first instance.
- 13.4 Where the concern is about teaching pupil behaviour or other issues in the classroom, the complainant should be directed to the class teacher who should try to resolve the issues. The class teacher should discuss the complainant's desired outcome with the complainant. This often helps to defuse anger and frustration and will ensure the complaints system is more effective for both parties who can then work towards achieving the desired outcome.
- 13.5 If the concern or complaint is about a member of staff, the complainant has the option of raising this directly with the member of staff. It is understandable that in

certain situations the complainant may feel the issues are too sensitive or may feel compromised in raising them directly with the member of staff. In these instances, the member of staff's manager can be approached in the first instance. It may be more appropriate that the complaints co-ordinator is available to discuss the complaint with the complainant in the first instance, especially where the complainant indicates that they would have difficulty discussing a complaint with the member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint the complaints co-ordinator may consider referring the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.

- 13.6 The Head teacher may investigate the complaint at Stage 1, without the first being an informal stage, if s/he considers the nature of the complaint warrants this.
- 13.7 If the concern is about a Head teacher, or about a governor other than the Chair of the Governing Body, the complaint must be directed to the Chair of the Governing Body and the complaint must be considered at Stage 2 of the complaints procedure. If the complaint is about the Chair of the Governing Body, it should be dealt with at stage 3 of the complaints procedure.
- 13.8 The complainant should be informed as soon as possible if their complaint is covered by statutory procedures and given contact details for invoking those procedures. A list of contacts for statutory procedures is provided at **Appendix C**.
- 13.9 If required, translation and interpreting services should also be made available to the complainant. The local authority has a Translation and Interpreting Service from which services can be purchased. Their contact details can be found at

#### **Appendix B.**

- 13.10 Where an issue cannot be resolved informally the person dealing with the complaint should make a clear note of the complainant's contact details and refer these to the Head teacher who will deal with the concern at Stage 1. When referring the complaint, the person dealing with the complaint should record full details of the complaint including any action that has been taken. This provides a record about the nature of the concerns and the school's attempts to resolve them informally, which will be useful for the Head teacher's investigation at Stage 1. An example of a complaint recording form is attached at **Appendix D**.
- 13.11 A complaint will not normally be dealt with at Stage 1 where it is referred to the Head teacher more than three months after the act/omission complained about.

Despite this, it will be dealt with at Stage 1 where the Head teacher is satisfied there was good reason for the delay in its being referred to him/her.

#### **14 STAGE 1: INVESTIGATION BY THE HEAD TEACHER**

- 14.1 If the member of staff has been unable to resolve the concern informally, or if the Headteacher considers the nature of the complaint warrants an investigation without an informal stage, the school's formal complaints procedure should be invoked.
- 14.2 At this stage, if this has not already occurred, the complaint should be properly recorded either in the form of a letter or in a complaints book or recording form. Assistance should be provided to any person who may have difficulties recording their complaint in writing. Where assistance is required a meeting can be arranged to discuss the complaint and details of the agreed complaint should be sent to the complainant for approval and information. Where required translation and interpreting services should be utilised. Contact details for the local authority's translation and interpreting service can be found at **Appendix B**.
- 14.3 The findings of the investigation or response to the complaint should be provided in writing to the complainant. The timescale for providing a response to the complaint at this stage is 15 school term days from the date the complaint reaches Stage 1.
- 14.4 The following checklist will ensure transparency and consistency at this stage:
- Upon receipt of the complaint the Head teacher should acknowledge the complaint in writing within three school term days of receipt. This acknowledgement should give a brief explanation of the school's complaints procedure and target date for a response.
  - The Head teacher should copy the details of the complaint to any member of staff named in the complaint.
  - The complainant should be kept informed of the investigation and advised of the timescales for response. An example of an acknowledgment can be found at **Appendix E**.
  - It is important that all telephone calls and meetings relating to the complaint are accurately recorded.
  - Depending on the nature of the complaint the Head teacher may want to consider a mediation procedure. This could involve for example a deputy head or other senior member of staff, the school's School Improvement Adviser or the Family Mediation Officer, who can help to try to resolve the complaint swiftly.

- 14.5 Once all the facts have been established the Head teacher should produce a written response to the complainant and to all parties involved. This letter should contain:
- A full explanation of the decision and the reasons for it
  - Where appropriate what action the school will take to attempt to resolve the complaint
  - Advice that if the complainant remains unhappy s/he should write to the Chair of the Governing Body
  - Advise that this should be done within twenty days of receipt of the response letter from the Head teacher.

## **STAGE 2: INVESTIGATION BY THE CHAIR OF GOVERNORS**

- 15.1 If the complaint has been investigated by the Head teacher and the complainant remains unsatisfied, it is the responsibility of the Chair of the Governing Body to investigate the complaint at stage 2 of the process. A complaint should also be investigated at this stage if the complaint concerns the actions of the Head teacher, or of a governor (other than the Chair of the Governing Body).
- 15.2 When the Chair of the Governing Body receives a complaint s/he should ensure the complaint is either reinvestigated or referred to be heard by a panel of the Governing Body at Stage 3. It is important that this reinvestigation process is independent and impartial. Therefore, the Chair of the Governing Body reinvestigating a complaint must be impartial and must not have had any previous involvement since this could result in a conflict of interest. The Chair of the Governing Body may also wish to seek the advice of external bodies such as the local authority Governor Services team or the School Improvement Adviser. The Chair of the Governing Body may arrange for the complaint to be investigated on his/her behalf by another governor, or by another person who is neither a school governor or a member of staff at the school.
- 15.3 At this point the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. In that event, this dissatisfaction as well as the initial complaint should either be investigated at Stage 2, or referred to be heard by a panel of the Governing Body at Stage 3.
- 15.4 Although complaints at this stage are considered seriously, it is important to remember that the complainants may be unaccustomed to dealing with formal situations, and it is advisable to keep the complaints process as informal as possible.
- 15.5 The following checklist will ensure transparency and consistency at this stage:

- The complainant should write to the Chair of the Governing Body. Assistance should be provided to those who have difficulty in recording their complaint in writing. Where possible previous letters, associated papers etc should be included.
- The Chair needs to make a judgement as to whether to reinvestigate at this stage or to progress the complaint to the next stage and convene a Governing Body Complaints Panel. In such circumstances the Chair can seek advice from the local authority.
- If the complainant is unable to provide a written complaint they should be able to complain to the Chair of Governors over the telephone or in person. In these circumstances it is important that details are properly recorded by the Chair and a copy of the written record is sent to the complainant for approval and information. This will ensure the same level of understanding and expectation from both parties. An example of a complaints recording form can be found at **Appendix D**.
- The Chair should seek to acknowledge the complaint in writing within three school term days of receipt. The acknowledgement should recap the complaint and provide the target date by which the final response will be provided to the complainant. An example of an acknowledgment can be found at **Appendix E**.
- The Chair must respond to this stage of the investigation within 20 term days.
- In the event of a reinvestigation, the response must state what the findings are and whether any complaints are upheld or not upheld. Details of any actions the school will take to attempt to resolve the complaint should be provided, together with reasons for the actions. The response should also state that if the complainant remains unhappy s/he should write to the Clerk to the Governing Body, and advise that this should be done within twenty days of receipt of the response letter from the Chair of the Governing Body.
- The Chair should copy the response to the Head teacher and any other member of staff who is concerned in the complaint.

15.6 A complaint against the Head teacher, or against a governor other than the Chair of the Governing Body, will not normally be dealt with at Stage 2 where it is referred to the Chair of the Governing Body more than three months after the act/omission complained about. Despite this, it will be dealt with at Stage 2 where the Chair of the Governing Body is satisfied there was good reason for the delay in its being referred to him/her.

## 16 **STAGE 3: GOVERNING BODY PANEL REVIEW**

16.1 The Governing Body Complaints Panel should be convened if at Stage 2 the Chair of the Governing Body refers the complaint to the Panel, or if the reinvestigation of the complaint by the Chair of Governing Body at Stage 2 is unsuccessful in resolving the complaint, or if a complaint is made against the Chair of the Governing Body. A

complaint against the Chair of the Governing Body, will not normally be dealt with at Stage 3 where it is made more than three months after the act/omission complained about. Despite this, it will be dealt with at Stage 3 where the Chair of the Complaint Panel is satisfied there was good reason for the delay in its being referred to the Panel.

- 16.2 The Governing Body Complaints Panel can be pre-established in which case the Governing Body may nominate a number of members with delegated powers to hear complaints at this stage. The Governing Body Complaints Panel should consist of three governors who will have responsibility delegated by the Governing Body to consider the complaint. The Chair of the Complaints Panel may appoint an adviser to the Panel.
- 16.3 Individual complaints should not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel of governors set up to conduct disciplinary hearing concerning a member of staff against whom a complaint has been made.
- 16.4 The Chair of the Complaints Panel should invite the other panel members, the complainant, the Head teacher, the Chair of the Governing Body and any other relevant persons to the meeting, detailing how the meeting will be conducted and giving at least five school term days' notice. Such invitation may be circulated by the Clerk to the Governing Body. The Clerk to the Governing Body shall set the date, time and venue of the hearing, ensuring that the date and time is convenient to all parties and that the venue is accessible. The Clerk to the Governing Body shall also ensure that the meeting location is adequate and allows for separate waiting areas for the parties. A model letter to the complainant is attached at **Appendix F**.
- 16.5 The Panel meeting should take place within 15 school term days of the complaint reaching this stage. Following the panel meeting the response from the Panel to the complainant should be provided within 10 school term days. The entire process at this stage should be conducted within 25 school term days.
- 16.6 It is the responsibility of the Chair of the Complaints Panel to ensure the Panel is conducted appropriately. The following checklist will ensure transparency and consistency at this stage:
  - The Head teacher, the Chair of the Governing Body and the complainant will be expected to provide to the Clerk to the Governing Body at least seven school term days in advance of the meeting all previous paperwork concerning the issues raised in the complaint, any further documents they intend to rely on at the meeting, and the names of the witnesses (if any) they



will be calling. All papers and the names of the witnesses (if any) to be called should be circulated by the Clerk to the Governing Body at least five school term days in advance of the meeting.

- The Complainant should be informed by the Chair of the Complaints Panel of their right to be accompanied by a friend/supporter/interpreter. The Chair of the Complaints Panel shall ensure any translation and interpreting needs are met as requested.
- A parent/carer who is not a complainant may attend the meeting as if s/he was a party, where the complaint concerns their child.
- The Chair of the Complaints Panel shall ensure the meeting is provided with refreshments
- The Head teacher and any teacher involved should be informed by the Chair of the Complaints Panel of their right to be accompanied by a friend/supporter or representative for example a member of their professional association or union.
- The Head teacher and any teacher involved and the complainant may also invite any other individual who is directly involved in the complaint to attend the meeting as a witness. However, the involvement of additional persons is at the discretion of the Chair of the Complaints Panel. Accordingly, the Chair of the Complaints Panel may decide the Panel will not hear from witnesses who in his/her view has no evidence to give which is relevant to the issues the Panel has to decide.
- Immediately prior to the start of the meeting the Panel should have a pre-meeting on its own with the Clerk and its adviser (if any).
- At the start of the meeting the Complaints Panel should identify in discussion with the parties the issues it is to decide. Once these issues are identified the Complaints Panel should not consider or decide any other issues.
- The remit of the panel should be explained to the parties by the Chair of the Complaints Panel.
- Each party must be given the opportunity of putting their case forward and asking questions without undue interruption.
- All issues identified by the Complaints Panel must be addressed.

16.7 The meeting must be properly minuted by the Clerk to the Governing Body and key findings of fact must be noted.

16.8 Parents and others who may not be used to speaking at such a hearing should be put at ease.

16.9 The Chair of the Complaints Panel has the power to regulate the meeting, provided any decisions s/he makes are not inconsistent with this Procedure.

- 16.10 The Chair of the Complaints Panel has the power to require additional documentary evidence and/or witnesses to be provided/ called, if not provided/called by a party.
- 16.11 The hearing is to be conducted in an informal manner with everyone treated with respect and courtesy.
- 16.12 If a party wishes at the meeting to introduce previously undisclosed documentary evidence or witnesses, the meeting should be adjourned to allow the other parties time to consider and respond to the new evidence. The Chair of the Complaints Panel has the power to refuse to admit such evidence.
- 16.13 The Panel must be open minded and must act independently. Panel members must not have a vested interest in the outcome of the proceedings or have had any involvement in an earlier stage of the complaint.
- 16.14 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. The complainant should be asked what outcome they are seeking. An example agenda for a Complaints Panel meeting is attached at **Appendix G**.
- 16.15 It must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible, by establishing the facts and deciding the actions (if any) the school will take to attempt to resolve the complaint, to satisfy the complainant that his/her complaint has been taken seriously.
- 16.16 The Panel's reply to the complainant should set out whether the Panel upholds the complaint in full or in part; the redress that the panel has decided on if any; and the reasons. The outcome letter should explain that there is no further right of appeal within either the school or the local authority. The final stage of appeal is to the Secretary of State although they will not normally reinvestigate the substance of the complaint. An example of an outcome letter is at **Appendix H**
- 16.17 The Panel should not share its decision on the complaint with the rest of the Governing Body. However it will be permissible for the Panel to tell the Governing Body it had rejected the complaint (if that was the case) , to tell the Governing Body what actions it had decided on behalf of the Governing Body should be taken, and to feedback to the Governing Body on the lessons of the particular complaints process.

## 17 **STAGE 4: INDEPENDENT REVIEW PANEL**

- 17.1 Complainants have the right to request an independent panel if they believe there is likely to be bias or has been bias in the proceedings at Stage 3. The Governing Body panel hearing the complaint at Stage 3 should consider the request, but ultimately the decision is made by the panel. The panel needs to decide whether it is or has been actually or apparently biased. It will be apparently biased if a fair-minded and informed objective observer, having considered the facts, would conclude that there was a real possibility that the panel, or any member of it, was biased.

## 18 **STAGE 5: THE DEPARTMENT FOR EDUCATION (DFE)**

- 18.1 Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester M1 2WD

### The Role of the SCU

- 18.1 If the complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. 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.
- 18.2 The Secretary of State's powers in respect of local authority maintained schools in England are delegated to the SCU. The SCU will examine if the complaint policy and any other relevant statutory policies were followed. The SCU also examines statutory policies to determine if they adhere to education legislation. However, the SCU will not normally reinvestigate the substance of the complaint. This remains the responsibility of the schools.
- 18.3 The SCU 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 SCU finds that the school has not handled a complaint in accordance with its procedure, it may request that the complaint is looked at again.
- 18.4 If legislative or policy breaches are found, the SCU will report them to the school and the complainant and where necessary, ask for corrective action to be taken. The SCU 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.
- 18.5 Schools may wish to contact the SCU for advice on whether they have acted reasonably, for example in closing down a complaint from a serial complainant

before the local procedure has been completed. However, the SCU should not be asked to advise on how to resolve the complaint.

- 18.6 Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

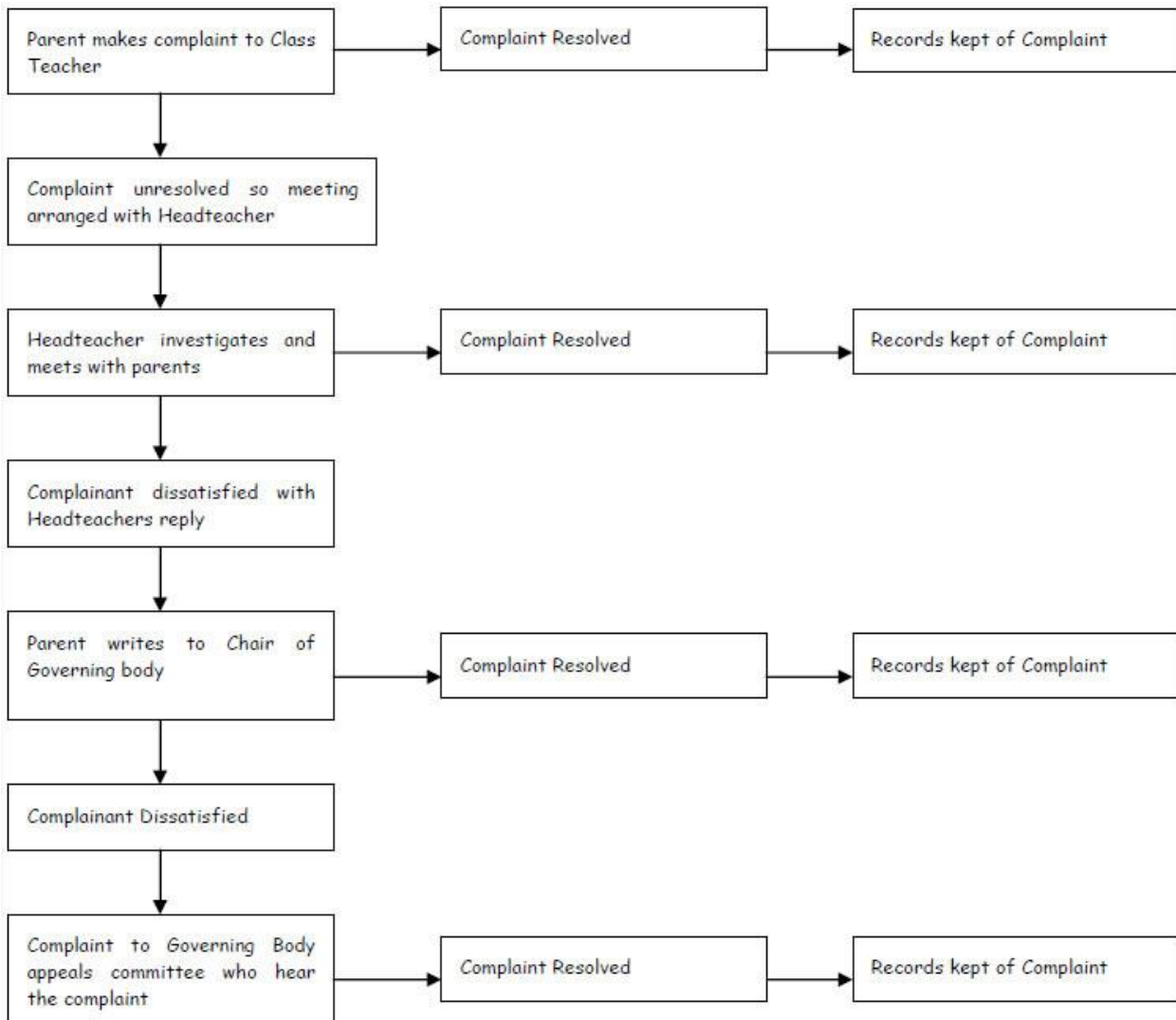
Department for Education  
School Complaints Unit  
2<sup>nd</sup> Floor Piccadilly Gate  
Store Street  
Manchester M1 2WD

## **19 OFFICE FOR STANDARDS IN EDUCATION (OFSTED)**

Generally, Ofsted does not intervene in specific school complaints or matters concerning a dispute or incident. However, in the case of complaints about the working of a school, complaints should be advised of their right to contact Ofsted should they remain dissatisfied or the complaint remain unresolved. Contact details for Ofsted can be found at **Appendix B**.

# APPENDIX A

## Complaints Flowchart



## APPENDIX B

### Useful Contact Details

#### Governor Services

The Children and Young People's Service  
4<sup>th</sup> Floor, Alexandra House  
10 Station Road  
London N22 7TR

**Tel:** 0208 489 5030/5074

**Email:** [school.governors@haringey.gov.uk](mailto:school.governors@haringey.gov.uk)

#### Translating and Interpreting Service

River Park House  
225 High Road  
London N22 8HQ

**Tel:** 0208 489 2657

**Email:**

[translationandinterpreting@haringey.gov.uk](mailto:translationandinterpreting@haringey.gov.uk)

#### Haringey First Response Service

The Children and Young People's Service  
River Park House  
225 High Road  
London N22 8HQ

**Tel:** 0208 489 4592/5652/5762/4582

#### Office Hours

(Monday to Thursday 8.45 am to 5pm; Friday  
8.45 am to 4.45pm)

**Tel:** 0208 489 6081/6082

#### Equalities and Diversity

River Park House  
225 High Road  
London N22 8HQ

**Tel:** 0208 489 2518

#### Catholic Education Services

39 Eccleston Square  
Westminster  
London  
SW1X 1BX

**Tel:** 0207828 7604

#### The Advisory Centre for Education

72 Durnsford Road  
London

**Tel:** 0208888 3377

#### Education Welfare Service

The Children and Young People's Service  
4<sup>th</sup> Floor, Alexandra House  
10 Station Road  
London N22 7TR

**Tel:** 0208 489 3866

**Email:** [education.welfareservices@haringey.gov.uk](mailto:education.welfareservices@haringey.gov.uk)

#### The Department for Education (DFE)

Sanctuary Buildings  
Great Smith Street  
London

SW1P 3BT

**Tel:** 01325391102

#### Office for Standards in Education (OFSTED)

National Business Unit – OFSTED  
Royal Exchange Building Street  
Anne's Square  
Manchester

M2 7LA

**Tel:** 08456 40 40 45

#### London Diocesan Body (Church of England)

Diocesan House  
36 Causton Street  
London

SW1P 4AU

#### Local Safeguarding Children's Body

The Children and Young People's Service  
River Park House  
225 High Road  
London N22 8HQ

**Tel:** 0208 489 1472

## APPENDIX C

### Complaints covered by other statutory procedures

Certain concerns or complaints cannot be addressed under the schools' complaints procedures. In such cases you should contact the appropriate office listed below.

#### Complaints about:

Children's Social Care

School Admissions Appeals and Transfers

Statements of Special Educational Needs/ Education Health and Care Plans

#### Contact Details:

Feedback and Information Governance Team

River Park House

225 High Road

Wood Green

London N22 8HQ

Tel: 0208 489 2547

Email: [FIG@haringey.gov.uk](mailto:FIG@haringey.gov.uk)

#### Permanent Exclusions

Schools Exclusions Coordinator

River Park House

225 High Road

London

N22 8HQ

Tel: 0208 489 5086

#### Public Exams

The appropriate examining body is responsible for complaints about public exam grades.

#### Child Protection

In cases of concern about the welfare of any child please contact the Child Protection Team who will advise you on the next steps.

#### School re-organisation proposals

#### Whistle blowing

Schools have an internal Whistle blowing procedure. Other concerns can be raised with Ofsted on 0300 123 3155 email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

# APPENDIX D

## Example Complaint Recording Form

|   |  |
|---|--|
| <b>DATE OF COMPLAINT:</b>   |  |
| <b>DATE OF ISSUE/INCIDENT:</b>  |  |
| <b>COMPLAINANT:</b>   |  |
| <b>CONTACT DETAILS:</b><br><b>E-MAIL ADDRESS:</b><br><b>POSTAL ADDRESS:</b><br><b>TELEPHONE NUMBER:</b> |  |
| <b>NAME OF STUDENT:</b><br><b>CLASS:</b><br><b>DOB:</b>   |  |
| <b>COMPLAINT TAKEN BY:</b>  |  |
| <b>PREVIOUS ACTION TAKEN BY SCHOOL:</b>   |  |

|  |
|--|
| <b>DETAILS OF COMPLAINT:</b>           |
|  |
| <b>DESIRED OUTCOME OF COMPLAINANT:</b> |
|  |



|  |
|--|
|  |
|--|

| <b>ACTION TAKEN:</b> | <b>OUTCOME OF COMPLAINT:</b> |
|----------------------|------------------------------|
|                      |                              |

## APPENDIX E

### Example acknowledgement letter

*School Headed Paper*

*Date*

*Ms/Mrs/Mr Name*

*Full postal Address Details*

Dear *Name*

**Complaint re:** [ \_\_\_\_\_ ]

Thank you for your *letter/telephone call/personal visit/email* on *insert date* in which you raised concerns in relation to *insert complaint topic*.

Your complaint has been forwarded to me to look into. I will contact you as necessary in order to carry out my enquiries. However, if you would like to discuss your complaint please contact me on *insert telephone number/details*.

I hope to look into your concerns and provide you with a response by *insert date*. If I am unable to respond by this date, I will write to you further to advise you.

Yours sincerely

*Insert name and signature*

*Head teacher/Chair of Governors*

## APPENDIX F

### Example complaints panel acknowledgment letter

*School Headed Paper*

*Date*

*Ms/Mrs/Mr Name*

*Full postal Address Details*

Dear *Name*

Thank you for your letter dated *insert date* received on *insert date*.

I understand that you are unhappy with the response to your complaint from *name of Chair of the Governing Body* and you would like the Governing Body to investigate your complaint.

The Clerk to the Governing Body will arrange a complaints panel meeting where three governors from the school (including myself) will consider your complaint. The panel meeting will be arranged to take place within the next 15 school term days and the Clerk will notify you of the arrangements closer to the date of the hearing. If there are any particular dates within the next 15 school term days that are not suitable please contact the Clerk *insert name and contact details* to let him/her know.

Please kindly send to the Clerk at least 7 school term days before the meeting any papers which you may wish to provide to the panel in support of your case. These papers should include all previous paperwork concerning the issues raised in your complaint. Please also send to the Clerk at least 7 school term days before the meeting the names of the witnesses (if any) that you will be calling at the meeting. These papers and names will be distributed to all parties in advance of the complaints panel meeting.

You may bring a friend or supporter to the meeting to provide you with support and/or to represent you. Please let me know if you wish to bring anyone with you. If you require translation or interpreting services, please let me know as soon as possible to allow me to make the necessary arrangements.

I can be contacted on school *insert school contact details*.

Yours sincerely

*Insert name and signature*

*Insert Chair of Complaints Panel*

Cc Head teacher

Any other involved party

Governors' Services Children's and Young People's Service

## APPENDIX G

### Example complaints panel hearing agenda

#### Agenda

1. Welcome and introductions by Complaints Panel Meeting Chair  
(Chair should explain that the meeting is strictly confidential to those present. Chair to outline procedure to be followed)
2. The Complaints Panel identifies in discussion with the parties the issues it is to decide, and the Chair of the Complaints Panel explains it will not consider or decide any other issue.
3. The Chair of the Complaints Panel decides which of the witnesses the parties wish to call the Panel will hear from.
4. If a party wishes to introduce previously undisclosed documentary evidence or witnesses, the Chair of the Complaints Panel decides whether to admit such evidence. 5. Complainant to present their case
5. Questions to complainant from other parties, then from the Panel members and then from the Panel's adviser (if any). The Panel members should ask the complainant what are his/her desired outcomes.
6. Questions to the complainant's witnesses from the complainant/ complainant's representative, then from the other parties, then from the Panel members and then from the Panel's adviser (if any)
7. The Headteacher and (if present) the Chair of the Governing Body to present their case.
8. Questions to the Headteacher from the complainant/complainant's representative, then from the Panel members and then from the Panel's adviser (if any)
9. Questions to the Chair of the Governing Body (if present) from the complainant/complainant's representative, then from the Panel members and then from the Panel's adviser (if any)
10. Questions to the Headteacher's/ Chair of the Governing Body's witnesses from the Headteacher/ Chair of the Governing Body, then from the complainant/ complainant's representative, then from the Panel members and then from the Panel's adviser (if any)
11. The Headteacher and (if present) the Chair of the Governing Body to present a summary of the key points.
12. The complainant/ complainant's representative to present a summary of the key points.

13. All parties to withdraw except Panel members, the Clerk and the Panel's adviser (if any), to allow the Panel to deliberate in private. The parties can be recalled to clarify any points of uncertainty.
14. Panel to decide on whether to uphold the complaint in full or in part, including any redress measures.
15. The decisions of the Complaints Panel will be sent in writing to all parties within 10 school term days.

**Note: Witnesses should only be present at the meeting when they are being questioned**

## APPENDIX H

### Example complaints panel decision letter to complainant

*School Headed Paper*

*Date*

*Ms/Mrs/Mr Name*

*Full postal Address Details*

Dear *Name*

#### **Re: Complaints Panel Meeting held**

I write to you further to our recent Complaints Panel which met on *insert date* to consider your complaint and which has now reached a decision.

In the light of written and verbal evidence produced at that meeting we conclude that your complaint is *upheld/not upheld/partially upheld*.

The reason for this decision is:

*State reasons in bullet points*

Furthermore, we have decided that *no further action is taken/the following action is taken*.

I hope that you feel your concerns have been given proper consideration. As there are no further appeals, either within the School or to the London Borough of Haringey, should you remain dissatisfied you can make further representations to the Secretary of State for Education. However, the Secretary of State may only check that the school's complaints procedure s has been properly followed and will not normally re-examine the substance of the complaint.

The Secretary of State can be contacted in writing at the following address:

The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor  
Piccadilly Gate  
Manchester  
M1 2WD

Yours sincerely

*Insert name and signature*

*Insert Chair of Complaints Panel*

Cc    Head teacher  
      Any other involved party  
      Governors' Services Children and Young People's Service