



COMPLAINT POLICY

Version 4.0

Review by Chairs Committee:	19 th May 2014
Adopted by Governing Body:	2 nd June 2014
Next Full Review Due:	Summer 2019

Reviewer:	Headteacher
Governor Link:	Chair of Governors

Complaint Policy

East Barnet School, Chestnut Grove, East Barnet, EN4 8PU

Complaint or Concern?

A clear distinction needs to be made between a concern and a complaint. Concerns ought to be handled, if at all possible, without the need for formal procedures. "I am concerned my child has not had any homework", is very different from "I want to complain that someone has been rude to me." In most cases, the class teacher, form tutor, Head of Year or Head of Faculty will receive the first approach.

Some concerns may become complaints, but most issues can usually be dealt with through a full discussion with the member of staff who is best able to resolve the issue. In most cases this will be achieved without the need for the complaint process. Concerns will be dealt with quickly and all parties kept informed of progress.

Governors approached by someone informally will often need to steer the person in the direction of the member of staff best able to help. Governors need to be aware that if they become involved closely at this stage, they cannot be involved later in the process.

This policy is compliant with 'The Education (Independent School Standards) Regulations 2010', Schedule 1, Part 7. It does not cover:

- Child Protection Procedures;
- Appeals on Admissions (see Admissions Policy);
- Appeals to the Governors Discipline Committee against permanent exclusion from school;
- Appeals against grades awarded by the Examination Boards;
- Staff Disciplinary Procedures.

A. Requirements

1. This Policy aims to resolve complaints and restore working relationships, not to create further problems and mistrust.
2. The school should 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. The complaint procedure will follow a three level approach: informal (usually a meeting with the complainant), formal (the complaint is put in writing) and a panel hearing stage.
4. There will be a clear timescale for dealing with complaints.
5. All complainants should be directed to this Complaint Policy, available on the web-site, and also offered a copy by post or email. All new parents should be made aware of the Complaint Policy when their child joins the school.
6. A written record will be kept of all complaints, and at what stage they were resolved. This will be reviewed annually by the 'Chairs and Vice-chairs Committee' of the Governing Body.
7. 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.
8. It is acknowledged that, depending on the circumstances, a complaint may be verbal, or written in a letter or an email. In all cases the matter should be acknowledged within **five school days and dealt with promptly**. The complainant should be **regularly updated** on progress if the investigation or response is delayed.

9. **Appendix 1** has a Complaint Procedure Flow Chart.
10. This policy is primarily focused on complaints made by parents about the 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.
11. It is expected that all parties act appropriately, professionally, honestly, courteously and respectfully at all stages of a complaint. If anyone from the school behaves unacceptably while dealing with a complaint, the Staff or Governor disciplinary procedures will be followed. If the actions of a complainant 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.

B. Dealing with Complaints - Informal

1. Once a complaint is received, it should be passed immediately to an appropriate member of staff and all efforts made to resolve the issue informally.
2. The complaint should be acknowledged within **five school days** and the complainant told who will be contacting them and looking into their case.
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 days, the complainant will be kept informed.
4. All emails, letters and notes taken at meetings or during phone conversations should be kept.
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.

C. Dealing with Complaints - Formal

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.
2. **A formal complaint must be made in writing.**
3. There are three formal stages for a complaint:
 - Stage One:** The complaint is heard by a member of the School Senior Leadership Team responsible for investigating complaints;
 - Stage Two:** Complaint heard by the Headteacher;
 - Stage Three:** Complaint heard by the Governing Body Complaint Appeal Panel.
4. Once formal procedures are started, e-mail correspondence should NOT be used to contact the complainant; notes and records of any correspondence should be kept.
5. The formal complaint should be acknowledged within **five school days** and the complainant told who will be contacting them and looking into their case. If progressed from the informal stage, this would happen within **one school day**.
6. The school should aim to deal with complaints quickly and efficiently at Stages One and Two and typically within **ten school days** of the formal complaint.

7. Responses to formal complaints should be made in writing, though it may be appropriate or necessary to also arrange to meet the complainant.
8. The Governing Body should deal with and respond fully to Stage Three formal complaints within **twenty school days** of the complaint being received. If this is not possible, parents need to be given the reasons for the delay and kept informed of progress.
9. The more irate complainant will 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.
10. When threatened with legal action, the complaint should be handled according to these guidelines. There should be no response to this threat until a letter from lawyers is actually received. Once a formal solicitor's letter is received, two things should be done:
 - a. The letter should be acknowledged and the sender informed that we are taking advice and will respond fully in due course;
 - b. Advice should be sought from the school's lawyers. If the matter appears to relate to a claim of negligence or a wish for compensation, the school's own third-party liability insurers should be informed.
11. Complainants will sometimes contact their local Councillor or MP who will then write to the school. If this happens, reply that the matter is being dealt with through the school's complaint procedure and say that you will inform them of the outcome in due course.

D. Stages One and Two

If a complaint has not been satisfactorily resolved on an informal basis, the process can become formal.

At this stage, the complaint must be in writing (unless extenuating circumstances make this impossible) and will be dealt with by the named member of the School Senior Leadership Team.

If a formal complaint is received verbally and is serious or particularly complicated, the complainant should be encouraged to set out the details of the complaint in writing. **The person receiving the verbal complaint** should write to the complainant the same day, detailing what they believe the complaint to be. The complainant should be instructed to reply, stating their agreement of the interpretation of their complaint or to correct any inaccurate details. Once the agreement is received, or a complaint received in writing, the Stage One process will start.

At this stage this member of staff must ensure that they:

- a. establish what has happened so far, and who has been involved;
- b. clarify the nature of the complaint and what remains unresolved;
- c. meet with the complainant (advisably with another member of staff as a witness) or contact them;
- d. clarify what the complainant feels would put things right;
- e. interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- f. conduct the interview with an open mind and be prepared to persist in the questioning;
- g. keep notes of the interview.

Should the matter not be resolved following Stage One, the complaint investigator needs to inform the Headteacher of this fact initiating the Stage Two process.

The **Stage Two** process follows an identical format to that in Stage One, but is dealt with by the Headteacher.

E. Stage Three

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.

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.

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 school 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.

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 school's 'Disciplinary Procedures'; a complaint about a member of the school's Governing Body might be dealt with by the school'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).

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.

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 Headteacher. Further details on procedure are in Appendix 3.

F. Further Appeal

This information should be included with the Complaint Panel decision:

If a complainant has been through all the stages of the school's complaint procedure but remains dissatisfied, they can appeal against the procedure followed by the school in considering the

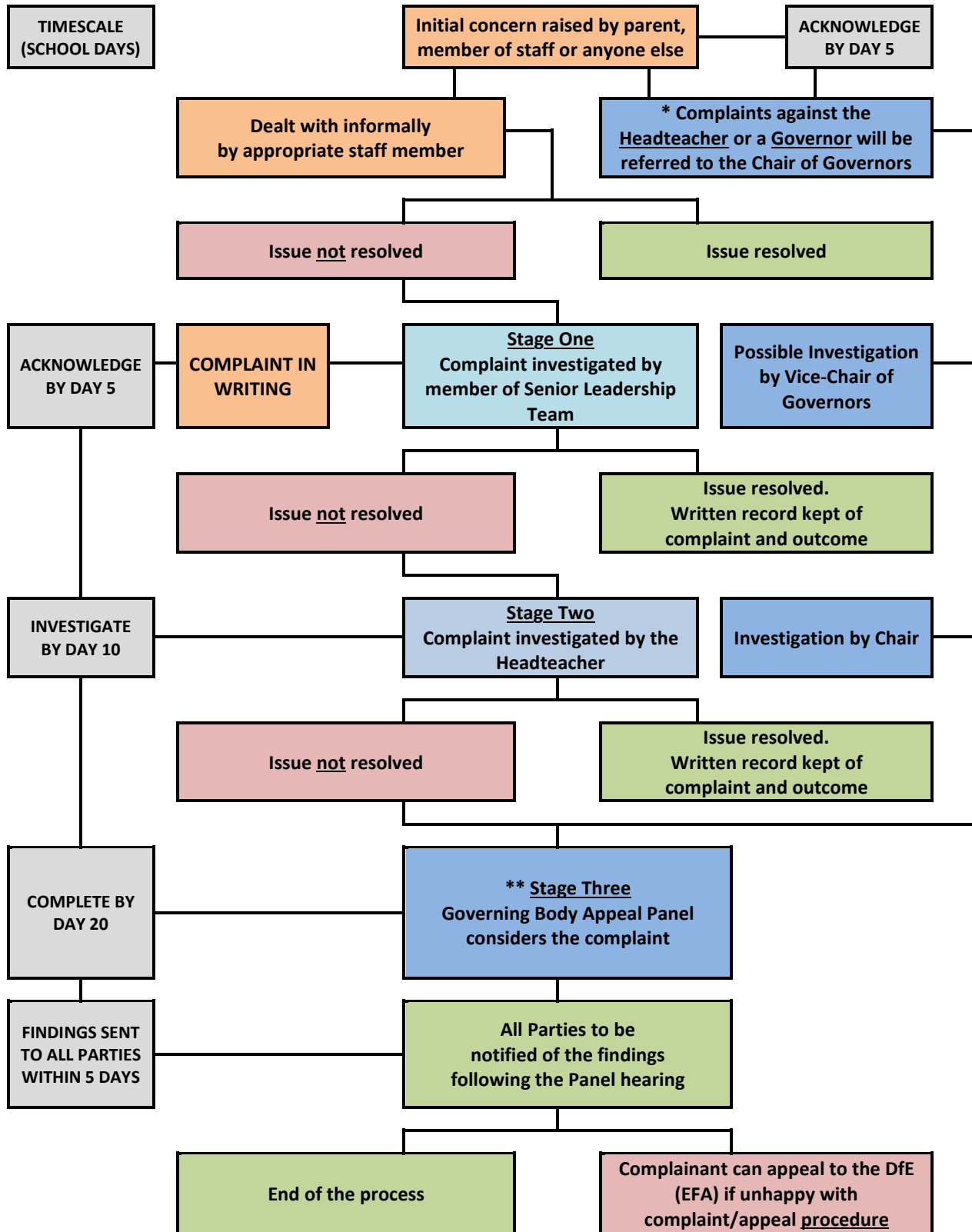
complaint and can ask the Education Funding Agency (EFA) to review the handling of their complaint.

The EFA's complaint procedure can be accessed in the following ways:

- a. The 'Complaints about Academies' page on the Department for Education website;
- b. Write to: Academies Central Unit (Academy Complaints), Education Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH;
- c. Telephone the Department's Public Communications Unit on 0370 000 2288.

EAST BARNET SCHOOL COMPLAINT FLOW CHART

Appendix 1



* 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. A complaint against the Chair of Governors will be investigated by another Governor, usually the Vice-chair.

** 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 school' and typically a governor of another school.

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 school, 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 school, or with the 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 school'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. See also: the 'Governor's Code of Conduct'.

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

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 school 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, complaints made by that parent would be dealt with as per a 'member of the public'. However, the 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 school. However, it would be good practice to inform parents whether the complaint had been upheld or otherwise.

The school 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 school's 'Safeguarding Procedures' should be followed in the first instance.

These notes assume that the complaint is made by a parent about something to do with the school. 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 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.

c. It is recommended that the panel be chaired by the most senior Governor without prior involvement in the case. Seniority as follows: Chair, Vice-Chair, Chair of Resources, Chair of People, Chair of Learning. The Chair of the Panel has a key role, ensuring that:

- i. the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- ii. all the issues are addressed;
- iii. key findings of fact are made;
- iv. parents and others, who may not be confident or used to speaking in such circumstances, are put at ease;
- v. the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- vi. the Panel is open-minded and acting independently;
- vii. 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;
- viii. each side is given the opportunity to state their case and ask questions;
- ix. 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.
- x. 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 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.
- d. 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.
- g. 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.
- h. 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.

- i. 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.
- j. 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.
- k. 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.
- l. The Panel's report should be passed to the 'Chairs and Vice-chairs Committee' of the Governing Body for discussion and possible further action based on the Panel's recommendations.
- 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 'Chairs and Vice-chairs Committee' of the Governing Body,