

Complaint Policy

Version 5.0

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Adopted by Governing Body:

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Reviewer:

L. Swaine

Governor Link:

Chair of Governors

COMPLAINT POLICY

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

A. Who can make a complaint?

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

East Barnet School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.

We do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including any which is abusive, offensive or threatening. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from East Barnet School.

B. The difference between a concern and a complaint

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

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

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The ability to consider the concern objectively and impartially is paramount.

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

C. How to raise a concern or make a complaint

A concern or informal complaint can be made in person, in writing or by telephone. Formal complaints should be made in writing. Concerns or complaints may also be made by a third party acting on behalf of a complainant, provided they have appropriate consent to do so.

A template complaint form (see Appendix A) is available for written complaints. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the *Headteacher* via the school office. Please mark all correspondence as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the *Chair of Governors*, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole Governing Body should be addressed to *the Clerk to the Governing Body* via the school office. Please mark correspondence as Private and Confidential.

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

While the complaint is being progressed, unless providing new or requested information, it is not helpful if repeated correspondence is sent to the school (either by letter, phone, email or text), as doing so could delay the outcome being reached.

D. Anonymous complaints

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

E. Timescales

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

F. Complaints received outside of term time

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

G. Scope of this complaints procedure

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through our Admissions Policy
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). 020 8359 4066

Exclusion of children from school	The Governors' Exclusions Committee have the responsibility for reviewing decisions made in relation to suspension and exclusions.
Whistleblowing	This should be addressed by accessing our Whistleblowing Policy
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Appeals against grades awarded by Examination Boards	The relevant Examination Board can be contacted directly.

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

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

H. Resolving complaints

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

- an explanation
- an admission that the situation could have been handled differently or better

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

I. Withdrawal of a complaint

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

J. Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the Head of Year, Head of Faculty, Assistant Headteacher, Deputy Headteacher or the Headteacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Informal concerns and complaints will be acknowledged within **five school days**.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within **ten school days** of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

K. Stage 2 – Formal complaints

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This should be in writing and marked as private and confidential.

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

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

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

During the investigation, the Headteacher, or investigator will:

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

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

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

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

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or a member of the Governing Body must be addressed to *the Clerk to the Governors*, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

then Stage 2 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

L. Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3.

A Complaint Panel will be convened to hear the complaint and will consist of at least three people not directly involved in the matters detailed in the complaint or earlier investigations and stages. Panel members should consist of (two) Governors, plus (one) panel member independent of the management and running of the school. If it proves impractical to find the latter member, a Member of the Trust can be used, or failing that, the whole panel can consist of Governors provided all are as independent as possible. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Chair of Governors, via the school office, within **ten school days** of receipt of the Stage 2 response. This should be in writing and marked as private and confidential. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Chair of Governors will record the date the request to move to Stage 3 is received and will acknowledge receipt of the complaint in writing (either by letter or in response to an email) within **five school days**.

The Chair of Governors will arrange the appointment of a *Clerk to the Panel* at which time all correspondence between parties will be through the Clerk.

Within **five school days** of the request to move to Stage 3 being received, the Clerk will write to the complainant to:

- propose dates for the Complaint Panel hearing. If it is not possible to give dates at this time, they will provide an anticipated timescale for date setting and will keep the complainant informed until one is agreed
- inform the complainant that if they wish to submit written evidence to the Complaint Panel, whether they intend to attend in person or not, this must be sent to *the Clerk to the Complaint*

Panel via the school office, marked as private and confidential, and be received at least **five school days** before the date of the Panel hearing.

The hearing will take place within **twenty school days** of the Stage 3 request being received. Any delays must be communicated by the Clerk to the complainant and the Panel.

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

At least five school days before the hearing, the Clerk to the Panel will:

- confirm and notify the complainant of the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Circulate any written material to all parties.

Where the complaint is about the Chair of Governors, a Vice-Chair of Governors or Member of the Trust will assume the tasks assigned to the Chair of Governors in Stage 3 of the Policy.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

then Stage 3 will be heard by a completely independent Complaint Panel, appointed by the Governing Body. The Panel Chair, or another independent person, will assume the tasks assigned to the Chair of Governors.

A complainant may bring someone along to the Panel hearing to provide support. This can be a relative or friend, and their name should be notified to the school in advance of the hearing. Generally, we do not encourage either party to bring legal representatives to the Panel hearing. However, there may be occasions when legal representation is appropriate.

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

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

Representatives from the media are not permitted to attend.

The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

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

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

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

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

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

The Chair of the Complaint Panel will provide the complainant and East Barnet School with a full explanation of their decision and the reason(s) for it, in writing, within **five school days**.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by East Barnet School.

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

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

M. Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by East Barnet School. They will consider whether East Barnet School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA:

- online at: <http://www.education.gov.uk/contactus>
- by telephone on: 0370 000 2288
- or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

5 Quinton Road

Coventry

CV1 2WT

N. Persistent or Unreasonable Complaints

We will not normally limit the contact complainants have with our school. However, East Barnet School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school resources by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information

- publishes unacceptable or demonstrably false information on social media or other public forums.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact East Barnet School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This position will be reviewed after six months.

Complaint Form

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

List of any paperwork (such as witness testimony or additional evidence) you have attached or enclosed.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Action taken:

Date:

Procedural Notes for Complaint Panel Members

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.

1. The remit of the Complaint Panel:

The panel can:

- a. Dismiss the complaint in whole or in part;
- b. Uphold the complaint in whole or in part;
- c. Decide upon the appropriate action to be taken to resolve the complaint;
- d. Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

2. There are several points which any Governor sitting on the Complaint-Panel needs to remember:

- a. It is important that the 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;
- b. 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;
- c. 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 Panel 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.

3. 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:
 - a. the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
 - b. all the issues are addressed;
 - c. key findings of fact are made;
 - d. parents and others, who may not be confident or used to speaking in such circumstances, are put at ease;
 - e. the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
 - f. the Panel is open-minded and acting independently;
 - g. 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;
 - h. each side is given the opportunity to state their case and ask questions;
 - i. should a new issue arise in advance of the hearing, it is important all parties have at least **five school days** to consider, prepare or comment.
 - j. notes will be taken during the hearing - although these will be solely for the use of the Panel members during deliberation and will be exempt from FOI or Subject Access requests.
4. In advance of the hearing:
 - a. 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;
 - b. 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;
 - c. The complainant will have been 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 have been 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 hearing;

- d. The names of those attending as witnesses, representatives or supporters will have been notified to the Clerk;
 - e. At least **five school days** before the hearing, the time, date and venue need to be notified to all parties and copies of all relevant written reports and statements sent out.
5. 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, it is not recommended that either party bring legal representation to the hearing. However, there may be some occasions where legal representation is appropriate.
6. Any member of staff named in the complaint (as involved or as a witness to an event) may also choose to attend a hearing, even if not required to do so by the Governors, and may be represented. If this happens, the complainant should be told before the hearing.
7. 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 hearing to allow the opportunity to consult their own legal advisor.
8. Should a party or any witness fail to attend a hearing, the Panel must decide whether to postpone or continue with the hearing. 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 hearing would proceed with or without them.

9. Electronic recordings of hearings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent to recording of all parties attending must be sought before hearings or conversations take place. Consent will be recorded in any minutes taken.
10. When the complaint has been fully investigated and considered, the Chair of the Complaint 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 hearing.
11. 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.
12. 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.
13. **The Panel should follow this procedure during the hearing:**
 - a. The appointed Clerk will meet and welcome the parties as they arrive and invite them into the meeting room when ready;
 - b. Witnesses are only required to attend for part of the hearing in which they give their evidence;
 - c. Both complainant and respondent (and anyone 'accompanying') have the right to sit in throughout all parts of the hearing, except during the final deliberations of the Panel;
 - d. The Clerk will take notes or otherwise record the proceedings for use by the Panel during later deliberations;
 - e. After introductions, the complainant is invited to explain their complaint and be followed by their witnesses;

- f. The respondent, may question both the complainant and the witnesses after each has spoken;
- g. The respondent, is then invited to explain their/the school's actions and be followed by their own witnesses;
- h. The complainant may question both the respondent and their witnesses after each has spoken;
- i. The Panel may ask questions at any point;
- j. The complainant is then invited to sum up their complaint;
- k. The respondent is then invited to sum up their/the school's actions and response to the complaint;
- l. 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 hearing;
- m. Both parties leave together while the Panel decides on the issues;
- n. The appointed Clerk will notify all parties of the Panel's decision.