



COMPLAINTS

INTRODUCTION

1.1 All governing bodies must adopt a complaints procedure to enable complaints received from parents and others who do not work at the school to be dealt with effectively. The law requires the complaints procedure to be publicised; it is available on the school website.

1.2 Governors will satisfy themselves that third party providers of community facilities or services and those using the school's premises in any way have their own complaints procedure. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

1.3 This policy does not cover complaints procedures stated in **Appendix 2**.

1.4 Complaints from members of staff will not be dealt with under this policy. Staff must use the Grievance policy; a copy is available on the staff shared area of the school's network and a hard copy is kept in the Head of School's office.

1.5 The school aims to give the complainant the opportunity to complete the complaints procedure in full. To support this, the school will make sure this policy is available on the school website. Throughout the process the school will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

1.6 Interpretation/definitions:

- all references to parents include prime carers and legal guardians
- all reference to "days" in this policy means ordinary working school days and excludes training days, bank holidays and days on which the school is closed for whatever reason
- a **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought"
- a **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

1.7 If assistance with translation or writing is required, the governing body will make the appropriate arrangements.

1.8 All complaints will be dealt with in confidence and matters put to the governors' complaints committee will remain confidential to those governors.

1.9 The form in **Appendix 1** must be completed if a complainant wishes to move to **Stage 3** (headteacher) or **Stage 4** (governors). The matter cannot progress without a completed form.

1.10 The governors will not consider a matter that has not already been investigated at Stage 3.

COMPLAINTS ABOUT STAFF EMPLOYED TO WORK AT A SCHOOL

2.1 The Head of School of Riverside School is responsible for the day to day management of the school complaints procedure and is a line manager of the staff employed in the school. Because of this, all complaints must be put to the Head of School first so that she can investigate them.

2.2 The Headteacher and Head of School may, in liaison, decide that a complaint should be dealt with under the separate *Staff Capability or Disciplinary* policies adopted by the governors. In this case, it is the Headteacher's responsibility to implement those procedures with the support of Southwark HR. Personnel matters are confidential.

2.3 If the Headteacher decides that this complaints policy applies, but there is a possibility that it could in the future lead to capability or disciplinary proceedings, the Headteacher must advise the staff member of that possibility.

2.4 A member of staff against whom a complaint has been made will be given a copy of the complaint and informed that the Head of School will investigate it. They will be informed that they may be accompanied by a friend or trades union representative to the interview.

COMPLAINTS ABOUT THE HEADTEACHERS

3.1 If a complaint is about a Headteacher, the same procedure applies but, the complainant should go straight to **Stage 4** of this policy. Part 1 of the form in **Appendix 1** must be completed and sent either to the Chair of Governors or clerk of the governing body.

3.2 Complaints against the Headteacher will be directed to the clerk to the governing body in the first instance.

3.3 If the complaint is about the Headteacher, a suitably skilled and impartial governor will carry out the investigation. See **Section 23**.

COMPLAINTS ABOUT A GOVERNOR

4.1 If a complaint is about the chair of the governing body, the complainant should go straight to **Stage 4** of this policy. Part 1 of the form in **Appendix 1** must be completed and sent either to the vice chair or the clerk to the governing body.

4.2 If a complaint is about another governor, the complainant should go straight to **Stage 4** of this policy. Part 1 of the form in **Appendix 1** must be completed and sent either to the Chair of Governors or the clerk to the governing body.

4.3 Governors, particularly those who are parents of children in the school and/or who know staff members who are involved personally, are urged to consider any potential conflict of interest before and during an investigation, and to discuss any concerns with the clerk, who is best placed to give impartial advice.

4.4 Complaints against a member of the governing body (or the whole governing body) will be directed to the clerk to the governing body in the first instance.

4.5 If the complaint is about a member of the governing body, a suitably skilled and impartial committee will carry out the investigation. See **Section 23**.

CONCERNS OR COMPLAINTS PUT DIRECT TO A GOVERNOR

5.1 Governors are reminded that they have collective responsibility and it is important that a governor receiving a complaint does not act or try to resolve it alone. Failure to comply with this policy and refer matters to the appropriate person can adversely affect the school's relationship with parents/carers and may have serious consequences. It will also bar the governor from sitting on a committee at a later stage.

5.2 Complaints must not be discussed by governors outside of the procedures under this policy (including discussion at governing body meetings). Such action may compromise the impartiality of any committee member.

GENERAL PRINCIPLES OF THIS COMPLAINTS POLICY

6.1 The aim of the policy is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible.

6.2 When responding to complaints, the school aims to:

- be impartial and non-adversarial
- facilitate a full and fair investigation by an independent person or panel, where necessary
- address all the points at issue and provide an effective and prompt response
- respect complainants' desire for confidentiality
- treat complainants with respect and courtesy
- make sure that any decisions the school makes are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- keep complainants informed of the progress of the complaints process
- consider how the complaint can feed into school improvement.

6.3 Complaints about a former member of staff will not normally be considered if it is more than three months since they stopped working at the school, unless there are exceptional circumstances.

6.4 If an additional or separate complaint is introduced by the complainant or a witness during any stage of the investigation, that complaint must be referred for initial investigation by the Head of School or governor as a separate matter.

6.5 A concern or complaint will be considered as soon as practicable.

6.6 Those investigating a concern or complaint will endeavour to address all of the points, provide an effective response and, where necessary, appropriate redress. This may include providing information to the school's Headteacher so that improvements can be made.

6.7 Information about children is confidential. Parents wishing to see a child's file must make an appointment with the Head of School in the proper way, at a mutually convenient time, at the school.

6.8 Confidential personal documents relating to members of staff will not be disclosed.

6.9 Where appropriate, governors involved with the complaints process should receive training.

6.10 Throughout the process, the school will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

LEGISLATION AND GUIDANCE

7.1 This document meets the requirements of Section 9 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

7.2 This document is based on guidance for schools on complaints procedures from the DfE, including the model procedure and model procedure for dealing with serial and unreasonable complaints.

7.3 In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

ROLES AND RESPONSIBILITIES

The Complainant

- 8.1 The complainant will get a more timely and effective response to their complaint if they:
- follow these procedures
 - co-operate with the school throughout the process and respond to deadlines
 - ask for assistance as needed
 - treat all those involved with respect
 - not publish details about the complaint on social media/internet.

The Investigator

- 8.2 An individual will be appointed to look into the complaint and establish the facts. They will:
- interview all relevant parties, keeping notes
 - consider records and any written evidence and keep these securely
 - prepare a comprehensive report to the Head of School or Complaints Committee which includes the facts and potential solutions.

The Complaints Co-ordinator

- 8.3 The Complaints Co-ordinator can be:
- the Headteacher or Head of School
 - a designated governor
 - any staff member providing administrative support.
- 8.4 The Complaints Co-ordinator will:
- keep the complainant up to date at each stage in the procedure
 - make sure the process runs smoothly by liaising with staff members, the Headteacher and/or Head of School, clerk and the LA
 - be aware of issues relating to sharing third party information and/or additional support needed by complainants, for example interpretation support or where the complainant is a child/young person.

Clerk to the governing body

- 8.5 The role of the clerk is to:
- send a copy of the governors' complaints procedure to a complainant on request and advise the complainant on the procedure.
 - advise the Headteacher and Chair of Governors that a complaint has been received, the action s/he has taken and on the procedure.

- advise the Headteacher on the content of his/her summary report for the governors and other procedural matters, if a complaint proceeds to Stage 4.
- provide advice and guidance to the governors throughout.
- on request from the Chair of Governors, arrange the **Stage 4** meeting and issue documents to all parties within the guidelines.
- bring the parties and witnesses into the meeting when requested by the Chair of Governors.
- advise on the conduct of the meeting.
- notify the parties of the committee's decision.

Committee Chair

8.6 The Committee Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- make sure all parties see the relevant information, understand the purpose of the committee and are allowed to present their case.

PRINCIPLES FOR INVESTIGATION

9.1 When investigating a complaint, we will aim to clarify:

- what has happened
- who was involved
- what the complainant feels would put things right.

TIMESCALES

10.1 The complainant must raise the complaint within three months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within three months of the last incident.

10.2 The school will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

10.3 When complaints are made outside of term time, the school will consider them to have been received on the first school day after the holiday period.

10.4 If at any point the school cannot meet the timescales set out in this policy the school will:

- set new time limits with the complainant
- send the complainant details of the new deadline and explain the delay.

COMPLAINTS REGARDING EARLY YEARS REQUIREMENTS

11.1 The school will investigate all written complaints relating to the fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint.

11.2 The school will keep a record of the complaint and make this available to OFSTED upon request.

11.3 Parents can notify Ofsted if they believe the school is not meeting Early Years Foundation Stage requirements by emailing enquiries@ofsted.gov.uk or calling 0330 123 4666. An

online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

11.4 The school will notify parents if we become aware that the school is to be inspected by Ofsted. The school will also supply a copy of the inspection report to parents of children attending the setting on a regular basis.

PERSISTENT COMPLAINTS

Serial and unreasonable complaints

12.1 Most complaints raised will be valid and therefore the school will treat them fairly and impartially and provide a high-quality service to those who complain. However, we do not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

12.2 Riverside 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:

- has made the same complaint before and it has already been investigated and has been addressed by following the complaints procedure
- refuses to articulate the 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
- refuses to accept the findings of the investigation into that complaint where the school's complaints' procedure has been fully and properly implemented and completed including referral to the DfE
- seeks an unrealistic outcome or a solution that lacks any serious purpose or value
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and/or telephone while the complaint is being dealt with
- makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- insist on pursuing a complaint that is unfounded beyond all reason
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- makes a complaint designed to cause disruption or annoyance
- publishes unacceptable information on social media or other public forums.

12.3 Complainants should try to limit their communication with the school that relates to their complaint while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter or email) as it could delay the outcome being reached.

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

Steps the school will take

13.1 The school will take every reasonable step to address the complainant’s concerns and give them a clear statement of the school’s position and their options. The school will maintain the role as an objective arbiter throughout the process, including when meeting individuals. The school will follow the complaints’ procedure wherever possible.

13.2 If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

13.3 If the complainant continues to contact the school in a disruptive way, the school may put communications strategies in place which may include:

- giving the complainant a single point of contact via an email address
- limiting the number of times the complainant can make contact, such as a fixed number per term by means of a communication plan (reviewed after 6 months)
- asking the complainant to engage a third party to act on their behalf
- putting any other strategy in place as necessary.

Stop responding

14.1 The school may stop responding to the complainant when all these factors are met:

- the school believes they have taken all reasonable steps to help address concerns
- the school have provided a clear statement of the school’s position and options
- the complainant contacts the school repeatedly and the school believe the intention is to cause disruption or inconvenience.

14.2 Where the school stop responding, the school will inform the individual of the intention. The school will explain that any new complaint made will still be considered.

14.3 In response to any serious incident of aggression or violence, the school will immediately inform the police and communicate the school’s actions in writing. This may include barring an individual from the school site.

Duplicate complaints

15.1 If the school has resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, the school will assess whether there are aspects that the school hadn’t previously considered or any new information that needs to be taken into account.

15.2 If the school is satisfied that there are no new aspects, the school will:

- tell the new complainant that the school have already investigated and responded to this issue and that the local process is complete
- direct them to the DfE if they are dissatisfied with the original handling of the complaint.

15.3 If there are new aspects, the school will follow this procedure again.

Complaint Campaigns

16.1 Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond by publishing a single response on the school website or sending a template response to all of the complainants.

16.2 If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

PROCEDURE

The school will take informal concerns seriously and make every effort to resolve the matter quickly.

Stage 1

17.1 The person who has a concern should arrange to talk directly with the relevant senior staff member informally about their concern through a letter, email or telephone.

17.2 If the complainant is unclear who to contact or how to contact them, they should contact the school office at office@riverside.southwark.sch.uk or telephone 020 7237 3227.

17.3 It is anticipated that the majority of concerns will be resolved at this point.

17.4 The school will acknowledge informal complaints within 5 school days and investigate and provide a response within 30 school days.

Stage 2

18.1 If the concern is not resolved, the complainant should ask for a more formal meeting with the senior staff member to discuss it in more detail. This will normally be arranged within three working days.

18.2 Formal complaints can be raised by letter, email or in person or by a third party acting on behalf of the complainant

18.3 The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents and what they feel would resolve the complaint

18.4 If the complainant needs assistance raising a formal complaint, the school office can be contacted.

18.5 The Head of School will record the date of the complaint is received and will acknowledge receipt of the complaint in writing (by letter or email) within 5 school days.

18.6 The Head of School will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to meetings and must inform the school of the identity of their companion in advance.

18.7 The Head of School will then conduct their own investigation. The written conclusion will be sent to the complainant within five school days.

18.7 In certain circumstances the school may need to refuse a request for a particular individual to attend any meeting (e.g. if there is a conflict of interest). If this is the case, the school

will notify the complainant as soon as it is made aware and the complainant will have the opportunity to arrange alternative accompaniment.

18.8 If, unfortunately, the complainant is not satisfied with the outcome, s/he must put the complaint in writing to the Headteacher, using part 1 of the form in **Appendix 1**, within three calendar months of the incident.

Stage 3

19.1 The Head of School will investigate and write to the complainant with his/her decision.

19.2 If the complainant is not satisfied with the outcome of the investigation or with the way in which the Head of School investigated it, they may ask the governors' complaints committee to consider those matters.

19.3 The reasons for dissatisfaction must be put in writing on the form in Appendix 1 and will provide the focus of the governors' meeting.

Stage 4

20.1 The governors' complaints committee provides a school-based appeal and will consider the reasons for the complainant's dissatisfaction. The review panel will consist of three governors who do not have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair.

20.2 The complainant must have reasonable notice of the date of the review panel. If the complainant rejects the offer of 3 postponed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

20.3 Any written material will be circulated to all parties at least three school days before the date of the meeting.

20.4 The governors will not reconsider the whole investigation at stages 1, 2 or 3. They will focus on the reasons for the complainants' dissatisfaction that have been given in writing on the form in **Appendix 1**.

20.5 This committee has no power to consider matters falling under other policies. The decision of the complaints committee is final.

Resolving a concern or complaint

21.1 Options for resolving the concern or complaint include:

- an acknowledgement that the complaint is valid in whole or in part
- an explanation
- an admission that something could have been handled differently or better
- an explanation of the steps taken as a result, to ensure that the situation does not recur
- confirmation that the policy will be reviewed in the light of the concern or complaint
- an apology.

21.2 Options for the Complaints committee at **Stage 4** include the above, and/or to:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- refer a complaint back to the Headteachers in whole or in part to deal with under the capability, disciplinary or other policies

- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur, including the introduction of a complaint recording and monitoring system.

Stage 1 – Informal, directly to the senior staff member

22.1 It is clear that the majority of concerns or complaints are resolved informally. Most can be resolved easily through simple clarification or exchanging information.

22.2 If at **Stage 1** or **Stage 2** the complainant feels s/he would have difficulty discussing the matter with a particular staff member, they will be referred to the Headteacher, who can ask another member of staff to consider the complaint objectively and impartially, with a view to resolving it.

22.3 If the concern or complaint is serious or outside the staff member's responsibility, the complainant will be asked to make an appointment to speak directly to the Headteacher. The staff member should alert the Headteacher on the matter without delay.

22.4 If a concern or complaint relates to an extended school provision, the person with the concern must be referred to that provider. Members of staff must not become involved in such matters.

22.5 A concern can be expressed in person, by telephone, email or in writing. The concerned person will tell the member of staff that they want to talk about a concern.

22.6 In most cases the matter will be resolved satisfactorily on the spot.

22.7 The concern becomes a complaint if the person concerned remains unhappy and wishes to take matters further. They should ask the member of staff for a more formal meeting when their complaint can be discussed fully.

Stage 2 - more formal, direct to the senior staff member

23.1 The senior staff member will normally arrange to meet the complainant within three working days, at a mutually convenient time, in the school, in private and relaxed surroundings, to listen to the complaint with the aim of trying to resolve it.

23.2 If the complaint cannot be resolved and the complainant remains unhappy, the staff member must notify the Headteacher of the matter within two working days.

23.3 To move to the next stage of the procedure, the complainant must complete part 1 of the form in **Appendix 1** and, within three months of the original incident, either

- a) give it to the Head of School, or
- b) if the complaint relates to the Headteacher, send it to either the Chair of Governors or the clerk of the governing body, or
- c) if it relates to the Chair of the governing body, send it to either the vice chair or the clerk, or
- d) if it relates to another governor, send it to either the Chair of Governors or the clerk of the governing body.

Stage 3 – Investigation by the Head of School

24.1 The Head of School will decide whether a complaint should be dealt with under this policy or another.

24.2 If the complaint needs to be dealt with under another policy, the Headteacher will write to tell the complainant giving this decision within 7 school days and saying that s/he will deal

with it as the manager.

24.3 The National Association of Headteachers (NAHT), www.naht.org.uk has a range of model letters that Headteacher may wish to use.

24.4 For complaints that fall partly or wholly within this complaints policy, the procedure is as follows:

within 5 (school working) days	acknowledge receipt of the written complaint in writing or orally. Ask the complainant if they have any questions about the procedure and deal with them
a further 10 days	write to either (a) give the result of the investigation, or (b) explain why this cannot be achieved within the 10 working days and give a revised target date
within the 15 days	If the complainant is dissatisfied with the Head of School's decision and/or the way in which they investigated the complaint and wishes the governors to consider the reason for their dissatisfaction, the complainant must complete part 2 of the form in Appendix 1 and send it to the Chair of Governors or clerk of the governing body

24.5 In giving the result, the Headteacher's letter will include

- a summary of the findings
- the decision reached and the reasons for it
- the action being taken in consequence (excluding confidential action)
- the way in which the complainant should proceed within 15 days, if they are dissatisfied with the outcome
- if a member of staff was the subject of the complaint, tell them the outcome orally and in writing, and that the Head of School's enquiry into the complaint has now concluded.

24.6 On receipt of a request to proceed to **Stage 4** on the form in **Appendix 1**, the Chair of Governors or clerk of the governing body will acknowledge receipt in writing. The Chair of Governors will ask the clerk of the governors Complaints committee to arrange a "**Stage 4**" committee meeting (as below)

Stage 4 – Governors' complaints committee hearing

25.1 The clerk will (**within 5 days of receipt**) write to and email the complainant to acknowledge receipt of their complaint.

25.2 This letter/email will

- confirm that a meeting of the governors' complaints committee will be arranged within 20 working days of the date of receipt, and
- request copies of any supporting information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by noon on a specific cut off time and date (usually 7 working days), and
- advise of their right to be accompanied to the meeting by a friend/adviser/interpreter and that it is the complainant's responsibility to give copies of any documents to their friend/adviser/interpreter. Any delay in the complainant doing so, will not affect the proceedings.
- enclose a copy of the complaints policy adopted by the Governors and, if part 2 of the form in **Appendix 1** has not been completed, ask for it to be completed and returned. State that the matter will not proceed until it has been received.

25.3 The clerk will (**within 5 days of receipt**) similarly, ask the Headteacher/Chair of Governors/governor for their information, the names of any witness(es) they wish to call and their written, signed and dated statement(s) by the same specific cut off time and date (usually 7 working days). S/he will advise of their right to be accompanied to the meeting by an adviser/representative. It is their responsibility to give copies of any documents to any adviser/representative. Any delay in doing so, will not affect the proceedings.

25.4 It is the Headteacher's decision whether or not to ask members of school staff to attend the meeting, subject to the discretion of the committee chair

25.5 The clerk will (**within 20 days of initial receipt**) arrange for the meeting of the complaints committee to be held within 20 working days, liaising with all parties for a mutually convenient date, time and location. The governors forming the committee will, as far as practicable, represent a balance of the governing body membership. It is helpful to include a parent governor. The Headteacher cannot be a member of the committee.

25.6 The clerk will (**within 3 days after the first cut off date**) prepare a covering schedule of each side's documents, clearly numbering the pages, copy and distribute them to the committee members, Headteachers/governor and complainant.

25.7 The clerk's letter distributing the papers to the complainant and Headteacher will specify a further 7 working day cut off for responses (as before), and state that it is very unlikely that any documents received later will be accepted by the committee.

25.8 The clerk will (**within 3 days after the second cut off date**) prepare a covering schedule of each side's documents, clearly numbering the pages, copy and distribute them to the committee members, Headteacher/governor and complainant, as before.

25.9 The clerk will (**as soon as possible and at least 5 working days before the meeting date**) write to confirm the meeting date, time and location to the complainant, Headteacher/governor and committee members. This letter must state that the meeting will go ahead in the absence of the complainant, unless a reason for absence acceptable to the committee is presented at the beginning of the meeting.

25.10 The clerk will attend and record the procedure followed at the meeting, the committee's decision and give a 'flavour' of the matters touched upon.

Meeting (hearing) procedure

26.1 Governors who are members of the committee will not have any prior knowledge. In exceptional circumstances, where that cannot be achieved, the governors forming the committee will not have more prior knowledge than the other members of the governing body.

26.2 It is the responsibility of the committee chair to take control of the meeting, ensure that it is conducted fairly under the policy and procedure adopted, and that notes are taken.

26.3 The aim of the meeting is to resolve the complaint and achieve a reconciliation between the school and the complainant.

26.4 While this is a formal process, the meeting will be as informal as possible and not be inhibiting or intimidating to the complainant.

26.5 It is important that this appeal hearing is seen to be impartial and independent.

26.6 The chair may adjourn the meeting at any time.

26.7 The chair may instruct those present to disregard items that are outside the focus of the meeting, including any personal information about members of staff and will instruct the clerk to strike such information from the minutes.

26.8 At the start of the meeting the only people present will be the committee members, Head of School/governor, complainant and clerk; and their friend/adviser/interpreter/representative if attending. Witnesses are called later.

26.9 Minors, whether involved or not, will not normally attend any part of a governors' complaint committee meeting.

26.10 Exceptionally, in situations of undue aggression or where relationships have deteriorated to the point that a hearing is unlikely to be able to make reasonable progress, the committee may hear the parties' statements separately, i.e. with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.

26.11 In conducting the meeting, the chair will:

- a) welcome everyone and invite those present to introduce themselves
- b) check that the complainant received the papers and a copy of the meeting procedure in advance
- c) state that all papers distributed in advance will be taken as read. Ask the parties not to quote at length from the papers, but to assist by referring to page numbers and extracts when necessary
- d) tell the parties how much time will be allowed for the meeting overall, how long will be allowed for each side to present their information, including question time and summing up, and for the committee members to reach their decision.
- e) take any procedural points and clarify if necessary
- f) ask the parties if they have any questions about the procedure and deal with them
- g) invite the complainant to confirm that the complaint is as summarised on part 2 of the form in **Appendix 1**. If not, obtain clarification. What is stated at this point will be the focus for governors' subsequent decision
- h) invite the complainant to give their information and draw key points to the governors' attention. This should exclude any new information that has not been submitted already
- i) should the complainant have failed to clarify and establish a complaint against the Headteacher by this point, the Headteacher may wish to make a statement that there is no case for them to answer. The committee will consider such statement at this point, adjourning to consult and take advice as necessary. If the committee members agree that no complaint against the Headteacher has been formulated, they must inform the parties of this decision and may close the meeting.
- j) **Witnesses**
 - i) should the complainant wish to call witnesses, the chair will consider each request as it is made, consulting committee members/advisers as appropriate and rule on the matter. Each witness, having contributed their information, may be questioned by the other party and the committee members in turn, and the witness will then leave the meeting
 - ii) discretion should be exercised when children are witnesses and they should only be interviewed when the nature of the complaint is sufficiently

- serious to warrant it, and adult witnesses are not available. Minors must have a parent in attendance during the whole of their interview
- k) invite the Headteacher to question the complainant on what has been presented
 - l) invite governors to put questions on the information presented
 - m) invite the Headteacher to respond to the complaint, similarly considering each request to call witnesses, including members of staff, as above
 - n) invite the complainant to put questions to the head on what has been presented
 - o) invite governors put questions on the information presented
 - p) Invite the Headteacher to sum up and make a final statement. New information is not to be introduced
 - q) invite the complainant to sum up and make a final statement. New information is not to be introduced
 - r) inform the complainant and Headteacher that the committee will now consider its decision and write with that decision within 15 working days. Ask the parties to leave.

26.12 The governors then consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The clerk and (committee's adviser) remain to advise and help governors with drafting their decision letter.

After the meeting

27.1 Within **15 days** of the meeting the committee's agreed written decision will be sent by the clerk to both the complainant and Headteacher. The clerk's letter must state that the decision is final.

27.2 The clerk will prepare the minutes in the usual way, recording the procedure followed, the governors' decision and give a flavour of the meeting.

27.3 The school must ensure that a copy of the papers is kept in accordance with school's retention policy.

Adjournments under Stage 4, governors' committee hearing

28.1 Once called, meetings cannot be adjourned without the agreement of the governors who form the committee. To consider a request for an adjournment, the committee must meet.

28.2 During a meeting, the chair may adjourn at any time to consult governors/advisers, or in response to a request, or allow time for composure etc. It is good practice to agree the duration of the adjournment and the time at which the parties should present themselves again for the meeting to continue.

28.3 If a meeting is adjourned to a future date, it is good practice to agree the date, time and location of the reconvened meeting before the parties leave. The clerk will be asked to make the necessary arrangements and confirm them in writing to all parties.

COMPLAINT TO AN INDEPENDENT REVIEWER

29.1 An independent reviewer is appointed by or on behalf of the school. This person must not, at any time, have been a governor of the school or member of staff of the school and must not have been the parent of a registered (or former registered) pupil at the school. They must also not have been directly involved in any matter detailed in the complaint.

29.2 The independent reviewer will convene a review meeting with the complainant and representatives from the school as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

29.3 At the meeting, each individual will have the opportunity to give statements and present their evidence and witnesses will be called as appropriate to present their evidence.

29.4 The independent reviewer, the complainant and the school representative(s) will be given the chance to ask and reply to questions.

29.5 The complainant, Headteacher and where relevant the subject of the complaint will be given a copy of the findings and recommendations made by the independent person.

29.6 The school will inform those involved of the decision in writing within 10 school days.

REFERRING COMPLAINTS ON COMPLETION OF THE SCHOOL'S PROCEDURE

30.1 If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

30.2 The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

30.3 The DfE will intervene where a school has:

- failed to act in line with its duties under education law
- acted (or is proposing to act) unreasonably when exercising its functions.

30.4 If the complaints procedure is found not to meet regulations, the school will be asked to correct its procedure accordingly.

30.5 For more information or to refer a complaint, visit <https://www.gov.uk/complain-about-school>.

RECORD KEEPING

31.1 The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved and the final outcome. The records will also include copies of letters, emails and notes relating to meetings and phone calls.

31.2 This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the governor panel.

31.3 This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or through a subject access request under the terms of the Data Protection Act or where the material must be made available during a school inspection.

31.4 Records of complaints will be kept securely only for as long as necessary and in line with data protection law, the school's privacy notices and record retention schedule.

31.5 The details of the complaint, including the names of the individuals involved, will not be shared with the whole governing body in case a review panel needs to be organised at a later date.

31.6 Where the governing body is aware of the substance of the complaint before the panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

31.7 Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve the request is made by the governing body, who will not unreasonably withhold consent.

MONITORING ARRANGEMENTS

32.1 The Personnel Committee to the governing body will monitor the effectiveness of the complaints procedure and ensure complaints are handled properly. The Committee will track the number and nature of complaints and review underlying issues.

32.2 The complaints records are logged and managed by the Head of School.

APPENDIX 1

COMPLAINT FORM – PART 1

This form is to be used for Stages 3 and 4 of the complaint procedure, after Stages 1 and 2 have been explored. Part 1 must be completed and given to the Head of School within three months of the date of the incident arising. PLEASE WRITE CLEARLY.

<u>Name:</u>	
<u>Address</u>	
Post code:	Signature:
Daytime tel. no:	
Date of the incident complained of:	
School's name:	
Date of receipt of this form under stage 3, and by whom:	

Part 1 - please continue on a separate sheet if necessary.

Any supporting documents should be submitted with this form.

Please summarise your complaint:	
Please summarise what outcome(s) you seek:	

When you have completed the above, please send it to the Head of School with copies of any supporting documents. If your complaint is against the Headteacher or a governor, send it to the Chair of Governors via the school, or to the clerk. If your complaint is against the Chair of Governors, send it to the clerk to the governors at the address below.

COMPLAINT FORM - PART 2

Please complete part 2 of the form if you want the Governors' Complaints committee to review the decision and/or the way in which the Head of School/Chair/Governor investigated your complaint, under **Stage 3**. The governors will not consider the matter until it has been investigated at **Stage 3**.

Please continue on a separate sheet if necessary. Send parts 1 and 2 of this form to either the school's chair of governors, or the clerk at the address below. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise the reason(s) for your dissatisfaction:

Please state what outcome(s) you seek:

The names of your witnesses must be given here:

The procedure and strict deadlines are given in sections 13 and 14 of the complaints' procedure. If part 2 (above) is not completed and received by the chair or clerk **within 15 days** of the date of the Headteacher's decision letter, it will be assumed that the complaint has been resolved and laid to rest. The matter will not proceed to the governors under **Stage 4**.

APPENDIX 2

MATTERS THAT ARE NOT COVERED BY THIS POLICY

The following concerns and complaints cannot be considered under this policy.
There are separate policies and procedures that deal with them.

- 1 staff capability and/or disciplinary issues
- 2 admissions to schools
- 3 anonymous complaints, unless there are exceptional circumstances, for example serious concerns about child protection issues
- 4 spurious or vexatious complaints
- 5 special education provision
- 6 curriculum and religious worship (section 409 of the Education Act 1996)
- 7 the curriculum at Pupil Referral units
- 8 pupil exclusion from school
- 9 school reorganisation proposals
- 10 the allocation of resources to service users according to agreed criteria
- 11 those covered by the ***Children Act 1989***
- 12 those that are the subject of legal proceedings, or have been so
- 13 those being considered by the Secretary of State under statutory power
- 14 those relating to a third-party service provider, which must be referred to that person or organisation
- 15 when it is more than three months since the incident complained of is raised for the first time, unless it forms part of an existing concern or complaint under investigation
- 16 when it is more than three months since a staff member complained of left the employment of the school, except under the most exceptional circumstances

APPENDIX 3

SOUTHWARK EDUCATION

LEGAL FRAMEWORK

- 1 Section 29(1)(a) of the **Education Act 2002**. Web link to the Act – <http://www.legislation.hmso.gov.uk/acts/acts2002/20032--f.htm#29>
- 2 The decision of the governors' complaints committee is final. If a complainant believes that a governing body has acted unreasonably or failed to carry out its statutory duties properly, they may complain to the Secretary of State under sections 496 or 497 of the 1996 Act.