



Royal Free Hospital Children's School Complaints Policy and Procedures

October 2021

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Introduction

The school has a strong commitment towards working in positive partnership with the whole school community and an ethos of respecting the rights of all members of that community. There are many interactions between pupils, parents, carers and staff as part of the every day life of the school. From time to time something may go wrong and where concerns are raised, the school aims to resolve them as quickly and as efficiently as possible. Usually, concerns that are raised can be resolved very quickly through the school's day to day communication between parents and the school staff. Where a parent may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be looked into and followed up.

Legal Framework

The section 29 of the 2002 Education Act requires Governing bodies to establish procedures for dealing with all complaints relating to the school or to provision of facilities or services (other than complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision) and to publicise these procedures. In establishing and publicising those procedures the Governing Body must "have regard" to Guidance given by the Secretary of State.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a "fair" procedure.

General Principles

Parents and pupils are stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns – even if all the response entails is an explanation of why something happens in the way that it does.

- This procedure for is intended to allow parents/carers to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances, such as Child Protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not, except in exceptional circumstances, be considered.
- Investigation of any complaint or review request will begin and be completed within the recommended timescales given in this document, except in exceptional circumstances.
- Details of information, related to the outcome of complaints, will be released with regard to the employee's employment and/or data protection rights.
- If a complainant believes that the appropriate procedures have not been followed by the person dealing with their complaint, the complainant may request that the Governing Body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.

- The school will treat the concern/complaint with a high degree of confidentiality and asks the complainant to do likewise.
- A record of complaints is maintained and monitored, and all conversations/meetings minuted.
- Any governors involved in the investigation of an allegation or a complaint will have received prior training for their role.

Selecting the most appropriate procedure

Nature of Complaint	Appropriate person to receive contact	Relevant Policy/Procedure
Complaint about Governing Body policy (content or application of)	Chair or Clerk to Governors Crowndale Centre, 218 Eversholt St, NW1 1BD	General Complaints Procedure
Unreasonable exercise of discretion by Headteacher e.g. declining to accept a volunteer or to sign a passport application	Headteacher or Chair (if allegation against head)	General Complaints Procedure
Discrimination on the grounds of race, religion, gender, age, disability	Headteacher or Chair (if allegation against head)	General Complaints Procedure Equality Policies
Allegation about conduct of a member of staff	Headteacher or Chair (if allegation against head)	School Staff Discipline Procedure (Confidential to School and Employee)
Allegation about capability of a member of staff	Headteacher or Chair (if allegation against head)	School Staff Competence Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Headteacher or Child Protection co-ordinator or Chair (if allegation against Head)	Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim)
Discipline of a pupil	Headteacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of pupil)
Conduct of another pupil (e.g. bullying)	Headteacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of alleged perpetrator)
Failure to provide NC Entitlement or Inappropriate curriculum	Headteacher Clerk to GB LA	Curriculum Policy LA Procedure
Content of /Failure to maintain an EHCP	Headteacher LA	LA procedures
Decisions about exam entries	Headteacher Exams Officer	Coursework Appeals Procedure

Teacher Assessed Grades		Teacher Assessed Grades Policy
GB decision to remove licence for a person to enter school premises (banning)	Clerk to GB/Chair	GB Appeal Committee

In each of these cases the responsibility for action lies with the school. In some cases a complaint may lead to a disciplinary or an appeal against a decision in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

Issues where other procedures exist -

The statementing process	LA	
Allegations of abuse	Social Care	
Admissions/ Exclusion	LA	Appeal/Exclusion Procedures
Provision of Collective Worship/Religious Education	LA	
Child Protection matters	Social Care	

Raising a concern or complaint

Most issues and complaints can be successfully dealt with informally. However, for those situations where this is not the case, there is a more formal process to investigate and deal with complaints. It also provides the school with the means to identify an area of concern at an early stage and to tackle it quickly and effectively.

When we receive a complaint, we will try to:

- Discuss the complaint with the complainant.
- Establish what has happened and who was involved – clarify the details.
- Discover what the complainant feels would remedy the situation.
- Interview those involved – allow them to be accompanied if they wish.
- Approach the interview with an open mind – and keep notes.

It is important to try and reach an early resolution with complainants. This not only promotes closure in the matter but also enables parents and teaching staff to move forward constructively. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate to offer one or more of the following -

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the incident complained of will not recur – and an explanation of stages taken to ensure this
- An undertaking to review school policies in light of the complaint
- Asking the complainant what they feel they would like to see happen may help resolve the situation at any stage.

However it may also be the case that the outcome, at any stage of the procedure, may conclude that -

- There is insufficient evidence to reach a conclusion, so that that complaint can not be upheld.
- The concern is not substantiated by the evidence.

- The concern was sustained in part or full. Some details may then be given of action the school may be taking to review procedures etc but details of the investigation will comply with the Data Protection Act. A good procedure will enable swift handling of the complaint with clear time scales and will also ensure a full and fair investigation that respects the confidentiality of the complainant whilst recognising the requirements of the Data Protection Act.

Dividing the complaint process into stages enables complainants to have a clear idea of how to make their concerns known and also where to turn if they are not satisfied with an answer that they may have been given. It also provides schools with a clear approach to complaint handling.

Where the following procedure refers to Headteacher, the Headteacher may delegate any of these functions to the Deputy Headteacher, if appropriate.

In exceptional circumstances, the Headteacher may commission an independent investigator, with enhanced CRB clearance, to undertake an investigation on behalf of the school. On those occasions, the school may seek advice from the Local Authority on how to arrange this.

Informal concern or 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. RFHCS 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 member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

- We would hope that parent/carer concerns can be resolved by the school providing simple clarification or information and it is anticipated that most complaints will be resolved by this informal stage.
- It may be helpful to identify at this point what sort of outcome the complainant is looking for in order to tackle minor concerns quickly and effectively.
- Should the complaint be about a teacher, or if it is inappropriate for anyone below the role of Headteacher to respond, the Headteacher or Deputy Headteacher will respond to a complaint directly under the Stage 2 guidelines in the first instance.
- In the case of serious concerns it may be appropriate to address them directly to the Headteacher (or to the Chair of the Governing Body, if the complaint is about the Headteacher).

- The Headteacher may escalate the complaint to any stage of the process if they feel that it is appropriate
- An unreasonable refusal by a complainant to attempt an informal resolution may result in the procedure being terminated, and this will be confirmed in writing.

The response should be provided within a maximum of 15 school days from the date of receipt. If it is not possible to respond within the time scale, the complainant will be informed before the deadline, giving a reason for any delay and a new reasonable deadline for reply. The response may be oral or in writing, as deemed appropriate to the situation, however details of the complaint should be retained for monitoring purposes. As part of the response, the complainant should be advised of the next stage of the procedure in case they are not satisfied with the outcome.

Stage 1 - Formal complaint to the Headteacher

- If this stage is at the complainant's request, the complaint must be taken up by the complainant within 10 school working days following the informal response and given to the Headteacher, (or to the Clerk to the Governing Body, for the attention of the Chair, if the complaint is about the Headteacher) who will be responsible for ensuring that it is investigated appropriately. It is not appropriate for a complaint to be pursued after a long lapse of time.
- The parent/carer is asked to include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents, and what action they would like the school to take to resolve their concern.
- Written acknowledgement of a complaint should be provided within 3 school days of receipt of the complaint and include a target date for response. This should normally be within 20 school days of receipt of the complaint. If it is not possible to resolve matters within this timescale an explanation should be given, with a revised target date.
- The Headteacher (or Chair) may invite the parent/carer to a meeting to clarify concerns and seek an informal resolution. The parent/carer can be accompanied by a friend to assist in explaining their concerns.
- If the complaint cannot be resolved through this meeting, arrangements will be made for the matter to be fully investigated, using the appropriate procedure.
- The Headteacher should interview any relevant pupils/witnesses. Pupils may wish to be interviewed with parents or carers present. If that is not possible, then another member of staff with whom the pupil feels comfortable should be asked to attend. Written records should be kept of all meetings, telephone conversations and interviews etc.
- When an investigation has been concluded, the parent/carer will be informed in writing of its conclusion. The response should also inform the complainant of the next stage of the procedure in case they are not satisfied with the response
- If the parent/carer is not satisfied with the manner in which the process has been followed, they may request that the Governing Body reviews the process followed by the school in handling the complaint.
- Any such request must be made in writing to the Clerk to the Governing Body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed.

Further consideration at Stage 2

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint in respect of the investigation carried out by the Headteacher or Deputy Headteacher.

This will provide an opportunity for the evidence to support such a complaint to be investigated. In this case the complainant should submit in writing a complaint in respect of the Headteacher's investigation to the Chair of Governors within 5 school days of receiving the Headteacher's written response.

The Chair of Governors will carry out an investigation, and will consider all available evidence. This may include separate interviews with the complainant, the Headteacher and relevant members of school staff if the Chair of Governors requires additional evidence. However it would not be appropriate to question any children if they have been part of any previous investigation.

When the investigation has been concluded the complainant and the Headteacher will be informed in writing of the outcome within 20 school days of receiving the complaint.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably, then the complainant may request that the Governing Body review the handling of the complaint.

Stage 2 – Formal complaint to the governing body

If the Chair of the Governing Body receives a written complaint directly from a parent they should consult with the Headteacher before taking any action. It is important to ensure that the earlier stages of the procedure have been exhausted and it may be more prudent that the Chair carry out an investigation or review as prescribed in the 'Further action at Stage 2' part of the procedure above.

The Headteacher or Chair of Governors may escalate the complaint to the next stage. Complaints rarely reach this level, but the Governing Body should be prepared to deal with them if necessary.

- Complainants should be advised that complaints at this stage should usually be made in writing and addressed to the Chair of Governors no later than 10 school days following receipt of a written outcome at Stage 2.
- The Chair of Governors or Clerk to the Governing Body will seek similar written responses from the school, where this is necessary, and pass them on to the Panel
- It is important that the governors' complaint panel should not only be independent, but be seen to be so.
- Individual complaints should not be considered by the Full Governing Body in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors. Similarly, some governors may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.
- The Clerk to the Governing Body will convene a panel of 3 governors, who have not previously been involved with the complaint.
- Written acknowledgement of the complaint should usually be made within 3 school days of receiving the complaint. This should inform the complainant that their complaint is to be heard by the panel within 20 school days of receiving the complaint.
- The Complaint Panel meeting should be arranged, with enough notice given so that everyone, including the complainant and representative(s) from the school, can make arrangements to attend. This notice period is usually at least 5 school days prior to the date of the panel meeting.
- The school may wish to seek advice from any relevant authority such as the Local Authority
- As the Panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.
- At this meeting the issues around the complaint can be discussed, with everyone involved invited to put forward their case. The Panel would also interview any other people involved in order to collect sufficient information and evidence. Parties involved should also be invited to submit any extra evidence that has not been seen during the earlier stages.
- The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

- A written response to the complainant should be made as soon as possible but within a maximum of 15 school days from the date of the panel meeting.
- Consideration of the complaint by the Governing Body and the school, save for any actions that are agreed, will terminate at this point.
- If the parent/carer is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the Governing Body.

Appeal to the Department for Education

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 Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by <School Name>. They will consider whether RFHCS has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Monitoring complaints

The school will monitor complaints -

- Name of complainant
- Details of the complaint
- A brief categorisation of the type of complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result
- Any follow-up action taken

Complaints are recorded to indicate which stage(s) of the procedure they have been considered, with the outcome for each stage listed as either -

- Upheld
- Not upheld or
- Partially upheld

One complaint can have several stages each with a different outcome. There should also be an indication as to what the response time scale is (dependent on the stage) and whether or not the response timescales have been met.

Gender, ethnicity and any disability of complainants will be monitored in order to address any possible equality issues. This information is reported regularly to the Governing Body.

Publicising the Complaint procedure

Details of the complaint procedure will be publicised in –

- The school prospectus
- Information pack to parents/children
- The Home School Agreement
- The school website www.royalfree.camden.sch.uk

Date updated: Oct 2021

Date reviewed: Oct 2021

Date of next review: Oct 2024

Date approved by the Governing Body: 14/10/21

Appendix 1

Royal Free Hospital Children's School

Royal Free Hospital, Floor 6 - West B, Pond Street, London NW3 2QG

Headteacher: Alex Yates

head@royalfree.camden.sch.uk

Tel: 020 7472 6298

Complaint Form

Please complete this form and return it to Headteacher (or Clerk to the Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name

Your relationship with school (e.g. parent of a pupil attending the school)

Pupil's name (if relevant to your complaint)

Your Address:

Daytime telephone number

Evening telephone number

Please give concise details of your complaint (including details of evidence - dates, names of witnesses, relevant documents, etc.) to allow the matter to be fully investigated:

You may continue on separate paper, or attach documents, if you wish.

Number of additional papers attached -

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome)

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

Signature

Date

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to

Date

Royal Free Hospital Children's School

Royal Free Hospital, Floor 6 - West B, Pond Street, London NW3 2QG

Headteacher: Alex Yates

head@royalfree.camden.sch.uk

Tel: 020 7472 6298

Complaint Review Request Form

Please complete this form and return it to Headteacher (or Clerk to the Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name

Your Address:

Daytime telephone number

Evening telephone number

Dear Sir/Madam

I submitted a formal complaint to the school on and am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response from on

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach documents, if you wish.

Number of additional papers attached -

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

Signature

Date

School use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to

Date

Appendix 2: Investigation Procedures

The investigation of an allegation or a complaint is always carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the parent/carer but also for any member of staff against whom a complaint has been made.

Preparing for an Investigation

- Where the school receives a formal complaint, it is acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the parent/carer in due course.
- It is essential that there is a clear understanding of the complaint and, where necessary, there will be an initial meeting to confirm the nature of the complaint
- Any member of staff against whom a complaint has been made will be notified that a complaint has been received and that the appropriate school procedure will be followed.
- The member of staff will be informed of the nature of any allegations against them but will not be given details of the evidence on which the complaint is based until any investigation has been completed.
- Once any complaint has been confirmed the school will determine which procedure (school or LA) is most appropriate and to select an appropriate person to conduct any investigation.

Conducting the investigation

- The investigation is carried out in accordance with the provisions of the relevant procedure.
- Accurate notes are taken of all interviews and the outcome of the investigation is accurately recorded.
- The parent/carer has the opportunity to offer documentation and to identify potential witnesses or sources of evidence.
- The member of staff subject to the complaint is advised that they may be accompanied by a friend or Trade Union representative when invited to be interviewed.
- Where children are potential witnesses, discretion is exercised over their involvement. Pupils are only interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
- Any interviews are conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.
- In conducting interviews, the investigator will prepare the questions to be asked prior to the interview. These may be supplemented during the interview. The investigator will ensure the interviewee is able to answer in their own way and their responses are listened to. The interviewee has the opportunity of providing other relevant information at the end of the interview.
- Interviewees should, however, be advised that their responses must be confined to the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint will be resisted.
- The investigator will not reach a conclusion or pass judgement until the investigation has been completed and their report is written.

Concluding the investigation

This report may contain:

- A brief outline of the process that has been followed
- A statement of the complaint/concern

- A summary of the findings, linked to the relevant evidence
- Any recommendations for future action
- Appendixes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information.

Care must be taken that any communications do not contain admissions or prejudicial statements as these would, if relevant, have to be disclosed to a court in any subsequent legal proceedings.

If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school will seek legal advice from the LA.

A summary of the process undertaken and the outcome of the investigation will be provided to the complainant, taking care that the details do not prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not to do. Wherever possible, recommendations should be constructive and not punitive.

Convening a Complaints Panel

A panel should be convened if a complainant makes either an appeal against a decision made by a Headteacher or Chair of Governors at Stage 2 of the school complaints procedure. The complaint should generally be made in writing either by letter or via an appropriate school complaints form, although governors should be sympathetic to cases where a complainant has difficulty with written communication. The complaint should outline what action has been taken by the school so far and what desirable outcome the complainant would like.

Acknowledgment

Written acknowledgement should usually be made within 3 school days of the complaint receipt date. The acknowledgement should inform the complainant that the complaint is to be headed by 3 members of the school's Governing Body within 20 school days of the complaint receipt date. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three panel members.

The Panel

The Chair of the Governing Body should arrange to convene a governors' complaints panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this panel to ensure that 3 governors are available to carry out their task within the set time. The panel members should be governors who have had no prior involvement with the complaint.

The Chair of the Governing Body should chair the panel unless they too have previously been involved in the complaint. On these occasions another governor (e.g. the Vice Chair of the Governing Body) should do it. Generally it is not appropriate for the Headteacher to have a place on the panel. It may be helpful to have a governor who is also a parent on the panel. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

The panel Chair will ensure that the panel will hear the complaint within 20 school days of receiving the request to move to Stage 3 as indicated in the acknowledgement letter. All relevant correspondence regarding the complaint should be given to each panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair should prepare a thorough summary for sending to panel members.

The Chair will write and inform the complainant, Headteacher, any relevant witnesses, and members of the panel of the date, time and place of the meeting. This should be done as soon as possible and at least 5 school days in advance of the panel date. The notification to the complainant should also inform them of their right to be accompanied to the meeting by a friend/advocate/interpreter. The complainant may not be accompanied by a solicitor acting in a legal capacity. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.

Attendees

The Chair should invite the Headteacher to attend the panel meeting and they should prepare a written report for the panel in response to the complaint. The Headteacher may also invite members of staff directly involved with matters raised in the complaint to respond to the complainant directly either in writing or in person at the panel.

Any relevant documents for consideration at the panel (this includes the Headteacher's report), should be submitted in order to be received by all concerned –including the complainant – at least 5 school days prior to the meeting. The involvement of staff other than the Headteacher is subject to the discretion of the Chair. It is the responsibility of the Chair to ensure that minutes of the meeting are properly recorded.

The meeting

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that their complaint has at least been taken seriously.

The panel should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair should therefore ensure that the proceedings are as informal as possible. If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence. The meeting should allow for -

- The complainant to explain their complaint and for the Headteacher to explain the school's response
- The Headteacher to question the complainant about the complaint and the complainant to question the Headteacher and/or other members of staff about the school's response
- Panel members to have an opportunity to question both the complainant and the Headteacher
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- Final statements by both the complainant and the Headteacher

The decision

Following the above proceedings, the Chair will explain to the complainant and the Headteacher that the panel will now consider its decision, and that a written decision will be sent to both parties within 15 school days. The complainant, Headteacher, other members of staff and witnesses will then leave. The panel will then consider the complaint and all the evidence presented. They will then -

- Reach a unanimous, or at least a majority, decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

A written statement outlining the decision of the panel must be sent to the complainant and Headteacher. The letter to the complainant should explain whether further appeal can be made, and if so, to whom. Generally this would be the end of the governing body's involvement in the complaint process however the governing body might also consider an appeal if a complainants able to demonstrate that new information

or evidence has come to light which was not available at the time of the original complaint and which might significantly affect the findings of the complaints panel.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

Checklist for the panel hearing

- The hearing should be as informal as possible
- Witnesses are only required to attend for the part of the hearing for which they give their evidence
- After introductions, the complainant is invited to explain their complaint, followed by their witnesses
- The Headteacher may question both the complainant and the witnesses
- The panel may ask questions at any point
- The Headteacher is then invited to explain the school's actions, followed by any witnesses for the school
- The complainant may question both the Headteacher and the witnesses
- The complainant is invited to sum up their complaint
- The Headteacher is invited to sum up the school's response to the complaint
- The Chair explains to the complainant and Headteacher when they can expect to hear from the panel
- The complainant and the Headteacher leave together to allow the panel to reach decision, which would generally be communicated formally in writing.

Timescales

A summation of the timescales in a Governors' Complaints Panel is as follows -

- Written acknowledgement of the Stage 3 request sent within 3 school days of the complaint receipt date
- The written acknowledgement should inform the complainant that the complaint is to be heard by / within 20 school days of the complaint receipt date
- Once known, the Chair will then write and inform relevant parties of the date, time and place of the meeting and this should be done at least 5 school days in advance of the panel date
- Any relevant and / or additional documents for consideration at the panel, including the Headteacher's report, should be received by all concerned – including the complainant prior to the meeting
- The panel Chair will send a written decision to both Headteacher and complainant within 15 school days of the panel date

Appendix 3: Vexatious Complainants

The vast majority of complaints are resolved by informal contact. Problems can arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

This can lead the school, which is acting very reasonably, to being drawn into a protracted and demanding situation that triggers a multitude of questions, none of the answers to which serve any constructive purpose.

The school will inform the complainant in writing that it will not be drawn into considering such complaints or grievances unless proper procedures are followed.

A good procedure can help limit the number of protracted complaints. If complainant attempts to reopen issues that have been dealt with through the complaints procedure it should be explained that the procedure has been exhausted. In these instances however, care should be taken not to dismiss any new complaints that have been raised alongside previous complaints. Any new issues should be addressed separately under the relevant stage of the procedure.

A good procedure can help limit the number of protracted complaints. It is not appropriate to make personal accusations or attacks on members of school staff, onto raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave

unreasonably by not engaging with the school to attempt a joint resolution.

If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.

If a complainant acts unreasonably by continuing to raise similar issues, or raising arrange of unrelated issues on a repeated basis then the school can reserve the right not to respond.

If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the Headteacher or Chair of Governors will inform the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Secretary of State for Education.

Appendix 4: Model Letters

The school has model letters for -

- Response to spurious complainant
- Acknowledgement of receipt of formal complaint *and* invitation to meet
- Acknowledgement of receipt of formal complaint referred by a third party
- Acknowledgements of receipt of formal complaint and advising complainant that the matter has been referred
- Acknowledgements of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure
- Notification of decision regarding formal complaint
- Review outcome notification

Appendix 5: Policy For Handling Unreasonably Persistent, Harassing Or Abusive Complainants

The Headteacher and Governing Body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint or who pursues complaints in an unreasonable manner. This may include -

Actions which are

- Out of proportion to the nature of the complaint
- Persistent – even when the complaints procedure has been exhausted
- Personally harassing to staff
- Unjustifiably repetitious

An insistence on

- Pursuing unjustified complaints

- Unrealistic outcomes to justified complaints
- Pursuing justifiable complaints in an unreasonable manner (e.g. Using abusive or threatening language)
- Making complaints in public
- Refusing to attend appointments to discuss the complaint

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution. For example -

- It appears to be deliberately targeted at one or more members of school staff/others, without good cause
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others
- It has a significant and disproportionate adverse effect on the school community.

The school expects anyone who wishes to raise concerns with the school to -

- Treat all members of the school community with courtesy and respect
- Respect the needs of pupils and staff within the school
- Avoid the use of violence, or threats of violence, towards people or property
- Recognise the time constraints on staff and allow the school a reasonable time to respond to a complaint
- Follow the school's complaints procedure

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate -

- Inform the complainant informally that his/her behaviour is now considered unreasonable or unacceptable, and request a changed approach
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the unreasonably persistent complaints/ harassment policy
- Require all future meetings to be conducted with a second person present and minutes taken
- The Governing Body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may -
- Ban the individual from entering the school site, with immediate effect
- Call the RFH Security service to remove the individual from the premises

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Appendix 6: Curriculum complaints procedure

There is a separate complaint procedure for issues around curriculum complaints. Parents or pupils may use this procedure if they believe that either the Local Authority or the governing body are failing:

- To provide the National Curriculum in the school or for a particular child
- To follow the law on charging for school activities
- To offer only approved qualifications or syllabuses

- To provide religious education and daily collective worship
- To provide the information that they have to provide
- To carry out any other statutory duty relating to the curriculum,
- Or are acting unreasonably in any of the above cases.

The procedure is as follows -

Phase 1 – Informal

Parents should be encouraged to take their concerns directly to the Headteacher of a school in order to seek early resolution informally. A response should be given within a reasonable timescale. If the complaint cannot be resolved in this way, Phase 2 should be initiated.

Phase 2 – The Governing Body

A Governing Body complaints panel should be convened and the complaint investigated in the same way as described in Stage 3 of the School Complaints Procedure above. However, if the complainant is still not satisfied after this, they can take their complaint to the Local Authority.

Phase 3 – The Local Authority

If a complainant is not happy with the outcome of a complaint to the governing body about any of the above issues, they can write to the Children, Schools & Families Complaints Officer. S/he will co-ordinate the response to curriculum complaints, which will generally be provided by the School Improvement Service.

Complaints about the Local Authority’s powers or functions need to be considered only by the Local Authority and should be addressed directly to the Local Authority.

USEFUL CONTACTS

Children, Schools & Families Complaints Officer - Complaints Unit
 Children, Schools & Families
 Crowndale Centre
 218 Eversholt Street
 London NW1 1BD
 020 7974 3554/020 7974 2850/020 7974 1439
www.camden.gov.uk/children.complaints@camden.gov.uk

Secretary of State for Education
 Sanctuary Buildings
 Great Smith Street
 Westminster
 London SW1P 3BT
 0870 000 2288
www.education.gov.uk

Department for Education
 Castle View House
 East Lane
 Runcorn
 Cheshire
 WA7 2GJ
 0370 000 2288
www.education.gov.uk