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Complaints Policy and Procedure

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Complaints Policy & Procedures

Gospel Oak Primary School

At Gospel Oak Primary School we have a strong commitment towards working in positive partnership with the whole school community. A school is a busy place where there are many interactions between pupils, parents, carers and staff as part of the life of the school. We have an ethos of respecting the rights of all members of the school community and, as part of our curriculum, we work to instil this in our children. From time to time something may go wrong, or you may think we can do something better. Where any concerns are raised we aim to resolve these 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 or other person 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.

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Who may make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Gospel Oak Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions) or the short-form procedure should be used, we will use the full complaints procedure set out below. Individuals who are not parents or carers of children that are registered at the school should address their complaints directly to the Headteacher.

Insofar as complaints are made by third parties who have made use of our facilities, the short-form complaints procedure should be used - this is set out on page 12 below.

The difference between a concern and a complaint

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

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

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The 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, Gospel Oak Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Insofar as possible, before any formal complaint is made, a concern should be raised with either the class teacher or the Headteacher (but not with individual Governors). Where the concern is about the Headteacher, the concern should be raised with the Chair of the Governors. We will generally respond within 15 school days.

Should the concern be of sufficient seriousness or be unlikely to be resolved informally, the Headteacher (or the Chair of the Governors where the concern relates to the Headteacher) may

respond under Stage 1 of the complaints procedure. We resolve most concerns informally but if the issue remains unresolved, the next step would be to make a formal complaint.

Where a formal complaint is made, complainants should not approach individual Governors. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the complaints procedure.

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

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

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

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You may also ask third party organisations like Citizens Advice to help you.

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

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if they consider it appropriate, may nonetheless decide that an anonymous complaint warrants an investigation.

Timescales

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

Complaints received outside term time

We will treat complaints made outside term-time as having been received on the first school day after the holiday period in question.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Gospel Oak Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below or where the short-form procedure should be used. Insofar

as complaints are made by third parties who have made use of our facilities, the short-form complaints procedure should be used - see page 12 below.

Exceptions	Who to contact
● Admissions to schools	Admissions to schools are covered by the Admissions Appeals Code.
● Statutory assessments of Special Educational Needs ● School re-organisation proposals	Concerns about statutory assessments of Special Educational Needs with the London Borough of Camden or your home borough as appropriate. Concerns about school re-organisation proposals should be raised with the London Borough of Camden.
● Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Camden Duty LADO can be contacted by calling 020 7974 3317 or LBCMASHadmin@camden.gov.uk
● Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please click here for school behaviour policy*
● Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
● Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
● Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.

	Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
● Complaints about services provided by other providers using school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly. This does not apply to extra-curricular provision arranged and offered by the school but delivered by an external provider.
● National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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

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

Resolving complaints

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

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

Withdrawal of a Complaint

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

Complaints Procedure

Where the complaint concerns the provision of facilities or services that we provide (and is not required to be dealt with under statutory procedures or under our short-form procedure), the procedure will be as set out below. In the first instance, we will try to resolve the matter informally. If however this is not possible or appropriate, the complaint will proceed to Stage 1.

Stage 1

Stage 1 comprises the following steps: (i) lodging of a formal complaint; (ii) investigation by the Headteacher, another member of staff or a Governor. The investigation shall include a meeting with the complainant, unless the Headteacher or Chair of the Governors decides that such a meeting is not necessary in all the circumstances; and (iii) thereafter providing a formal written response to the complainant.

Formal complaints must be made to the Headteacher (unless they are about the Headteacher in which case the complaint must be made to the Chair of the Governors), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within three (3) school days.

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

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision as to the final response.

During the investigation, the Headteacher (or other investigator) will:

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

At the conclusion of their investigation and in any event within twenty (20) school days of the date of receipt of the complaint, the Headteacher (or Governor) will provide a formal written response (together with copies of any accompanying witness statements or other written evidence referred to).

If however the Headteacher (or Governor) is unable to meet this 20 school days' deadline, they will provide the complainant with an update and revised response date.

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

The Headteacher (or Governor) will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

The aim of our complaints procedure is to reach a resolution for all parties. If at the conclusion of Stage 1 and the Cooling Off Period, the complainant remains unsatisfied and wishes to progress to Stage 2, the Chair of the Governors will consider whether it would be appropriate for some or all of the investigations carried out for the purpose of Stage 1 to be repeated by one or two suitably skilled Governors prior to the commencement of Stage 2.

The Chair will only decide that further investigation should be carried out if they consider that it will ensure either (i) that the complaint can be resolved prior to a Stage 2 hearing; or (ii) that the Stage 2 hearing would benefit from having a wider evidence base.

If the complaint is about the Headteacher or any Governor, one or two suitably experienced Governors will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or a Governor must be made to the Clerk to the Governors, via the school office.

If the complaint is jointly about the Chair and Vice-Chair of the Governors, and/or about most or all of the Governing Body, Stage 1 will be handled by an independent investigator appointed by the Headteacher, with the support of the London Borough of Camden. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Cooling Off Period before Stage 2

Within five (5) school days of receipt of the Headteacher's (or Governor's) response, a complainant who is dissatisfied with the response may request a meeting with the Headteacher. Alternatively, the Headteacher may invite the complainant to attend such a meeting in any event. The parties shall strive to ensure that any such meeting takes place within five (5) school days of the request for such a meeting.

The Headteacher may request a Governor also to attend such a meeting. If so, the Headteacher will inform the complainant of this not less than two (2) school days before the scheduled date of the meeting.

The complainant may be accompanied by a friend or family member (but not a legal representative) at such a meeting provided that they have notified the Headteacher of this not less than two (2) school days before the scheduled date of the meeting.

In the event that the complainant is dissatisfied with both the Headteacher's response and the outcome of the subsequent meeting with the Headteacher, they may proceed to Stage 2 of this complaints procedure. If so, the Headteacher will advise the complainant as to how to escalate their complaint to Stage 2.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 (namely both the Headteacher's (or Governor's) formal response and the outcome of the follow-up meeting with the Headteacher (or Governor) after the cooling-off period) and wishes to take the matter further, they may escalate the complaint to Stage 2, namely a meeting with members of the Governing Body's Complaints Committee. That committee will be formed of the first three Governors available who have not had any prior involvement with the complaint. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk to the Governors, via the school office, within twenty (20) school days of receipt of the Stage 1 response. Requests received outside this timeframe will only be considered if exceptional circumstances apply.

The Chair of the Governors will consider whether it would be appropriate for some or all of the investigations carried out for the purpose of Stage 1 to be repeated by one or two suitably skilled Governors. If any further such investigations are to be carried out, they should be completed within ten (10) school days (and the timescales set out below adjusted accordingly).

As mentioned above, the Chair will only decide that further investigation should be carried out if they consider that it will ensure either (i) that the complaint can be resolved prior to a Stage 2 hearing; or (ii) that the Stage 2 hearing would benefit from having a wider evidence base.

The Clerk will record the date when the request to escalate (the Stage 2 Request) is received and will acknowledge receipt of the Stage 2 Request in writing (either by letter or email) within five (5) school days, and will at the same time inform the complainant that the Clerk will strive to arrange that the Stage 2 Request is heard within twenty (20) school days of the date of receipt of the Stage 2 Request. But if this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

At least eight (8) days beforehand, the Clerk will write to the complainant to inform them of the date of the meeting with the Complaints Committee (see further below).

If the complainant rejects the offer of three alternative dates, without good reason in the opinion of the Complaints Committee, the Committee will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three Governors with no prior involvement with the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three Governors from Gospel Oak Primary School available, in order to make up the committee the Clerk will source any additional, independent Governors through one of the following local schools with which together make up the 1-3-5 Camden Cluster: Gospel Oak, Fleet, Primrose Hill, Rhyl and Netley Primary Schools.

The committee will decide whether to deal with the complaint by inviting parties to a meeting and/or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. We do not allow either party to bring legal representatives to the committee meeting, except in special circumstances. For example, where a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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

Representatives from the media are not permitted to attend any stage of the complaints process.

At least eight (8) school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring insofar as possible that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible; and

- request copies of any further written material be submitted to the Complaints Committee at least five (5) school days before the scheduled date of the meeting.

Any written material will be circulated to all parties at least five (5) school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will not review any new complaints at this stage or allow evidence unrelated to the initial complaint to be included. New complaints must be dealt with in accordance with the full complaints procedure, beginning with raising a concern with the Headteacher.

The meeting will be held in private.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.

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

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

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

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

The Chair of the Committee will provide the complainant and the Headteacher with a full written explanation of their decision and the main considerations for it within fifteen (15) school days after the meeting.

The response will detail any actions taken to investigate the complaint and provide a full written explanation of the decision made and the main considerations for it. Where appropriate, it will include details of actions Gospel Oak Primary School will take to resolve the complaint.

The covering letter to the complainant will include details of how to contact the Department for Education should they be dissatisfied with the way their complaint has been handled by Gospel Oak Primary School.

If the complaint is jointly about the Chair and Vice-Chair and/or about most or all of the Governing Body, Stage 2 will be heard by a committee of independent, co-opted Governors.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after Stage 2 has been completed.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Gospel Oak Primary School. Instead, they will consider whether

Gospel Oak Primary School 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.

Short-form Complaints Procedure

Insofar as complaints are made by third parties who have made use of the facilities of Gospel Oak Primary School, this short-form complaints procedure must be used.

The complaint must be raised within one month of the incident, or where a series of incidents have occurred, within one month of the last of such incidents. We will only consider complaints made outside this timeframe if exceptional circumstances apply.

Complaints received outside term will be treated as having been received on the first school day after the holiday period in question.

The complainant must raise their complaint with the Headteacher. The Headteacher may however, in their absolute discretion, decide to refer the complaint to the Chair of the Governors. The Headteacher or Chair will strive to respond within fifteen (15) school days.

The decision of the Headteacher or of the Chair, as the case maybe, will be final. This means that irrespective of whether or not the complainant is satisfied with the decision made, no further stages are available to the complainant under our Complaints Procedures.

Policy for managing serial and/or unreasonable complaints

Gospel Oak Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unreasonable or otherwise unacceptable behaviour and will take action to protect staff from any such behaviour, including that which is abusive, offensive or threatening.

Gospel Oak Primary School defines unreasonable or unacceptable behaviour as that which hinders our consideration of complaints because of the frequency and/or nature of the complainant's contact with the school. Examples of such behaviour include where the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and/or seeks

to have staff replaced

- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly carried out including referral to the Department for Education
- seeks an unrealistic outcome
- 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 by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

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, phone, email or text), as it could delay the outcome being reached.

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

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

In response to any serious incident of aggression or violence, we will immediately inform the Police and communicate our actions in writing. This may include barring an individual from Gospel Oak Primary School.

Appendix 1 - Complaint Form

Please complete and return to the – Headteacher (or, where appropriate, *Clerk / Chair of Governors)* –who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Appendix 2 - Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media, and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
    - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
    - interviewing staff and children/young people and other people relevant to the complaint
    - reviewing records and other relevant information
    - analysing information
- liaising with the complainant and the Headteacher as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

  The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and will communicate that decision to the complainant, providing the appropriate escalation details.

Headteacher

The Headteacher should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
    - sharing third party information
    - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring insofar as possible that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is

particularly important if the complainant is a child/young person

- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting and/or orally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and Headteacher, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No Governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that many complainants will feel nervous and inhibited in a formal setting.

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Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount

APPENDIX 3

MODEL PROCEDURE FOR A GOVERNORS' COMPLAINTS COMMITTEE (Stage 2)

When should a complaints panel be convened?

A committee will be convened if a complainant makes an appeal against a decision made by the Headteacher (or Governor) at Stage 1 of the school's complaints procedure.

The complaint must be made in writing, outlining what action has been taken by the school so far and what desirable outcome the complainant would like. The complainant should state why the response made at Stage 1 was not satisfactory and what would satisfy their complaint.

The following sets out the procedure that will be followed when the Complaints Committee decides that a meeting will be held to resolve the complaint.

Who should attend?

The Chair will invite the Headteacher and/or Governor who carried out the Stage 1 investigation to attend the meeting and they will prepare a written report for the panel in response to the complaint.

Witnesses, including the Headteacher if they are the subject of the complaint, are not required to attend. Both parties have the right to call witnesses however and both parties have the right to question all the witnesses if called. However, witnesses are only required to attend for that part of the hearing for which they give their evidence.

The meeting

The aim of the meeting will 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 should satisfy the complainant that their complaint has at least been taken seriously and been fully considered

The panel will take into account 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 will therefore ensure that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is generally 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. If so, the panel will decide the length of the adjournment, having taken into account the parties' submissions. Whether there is such an adjournment in a particular case depends in large part upon a preliminary assessment of the significance of the evidence in question, and whether it would be possible satisfactorily to deal with that late evidence or witnesses without adjourning the meeting.

If the conduct of one of the parties is such that the hearing cannot proceed, the panel will adjourn. The panel may restart the hearing following the adjournment. However, if the conduct continues, the panel will decide to reach its decision based on written submissions, and will inform the parties of this in writing.

The process

Any party has the right to call witnesses (subject to the approval of the Chair) and all parties have the right to question all the witnesses. However, **witnesses are only required to attend for that part of the hearing for which they give their evidence**.
Whilst **the panel may ask clarifying questions of either party at any point**, the process of the complaint panel is as follows:-

a. Welcome and introductions from the Chair

b. The Chair explains the purpose of the meeting, the procedure and that all written evidence has been made available to all parties

c. The Complainant is invited to explain their complaint, followed by any witnesses they wish to call. Witnesses should only attend that part of the meeting concerning themselves

d. The Headteacher and/or the Governor (henceforth Investigator) who carried out the Stage 1 Investigation may then question both the complainant and the witnesses.

e. The panel may then question both the complainant and the witnesses

f. The Investigator is invited to explain the school's actions, including those taken to address the complaint at Stage 1 of the procedure, followed by the evidence of any witnesses for the school.

g. The complainant may question both the Investigator and any witnesses the school wishes to call.

h. Any remaining witnesses to leave

i. The Investigator is invited to make a final statement, briefly summing up their position. New evidence should not be introduced at this point.

j. The complainant is invited to make a final statement, briefly summing up their position. New evidence should not be introduced at this point.

k. The Chair of the Panel explains to the complainant and Headteacher that the panel will now consider its decision, and that a written decision will be sent to both parties within 15 school days

l. The complainant and the Investigator leave together

m. Panel deliberations and decisions

6.7 The decision

6.7.1 The panel will then consider the complaint and all the evidence presented. They will:

- 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.

6.7.2 A written statement setting out the main considerations of the panel and giving the decision of the panel will be sent to the complainant within 15 school days. The covering letter to the complainant will explain whether a further appeal can be made and, if so, to whom (ordinarily, the Department for Education). A copy will be provided to the Headteacher.

6.7.3 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 complainant is able to demonstrate that new information or evidence has come to light which was not available and could not reasonably have been obtained at the time of the original complaint and which might significantly affect the findings of the complaints panel.

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

6.8 Summary of complaint panel timescales

6.8.1 The timescales for a Governors' Complaints Panel are as follows:

i. Written acknowledgement of the Stage 2 Request sent within five (5) school days of the complaint receipt date

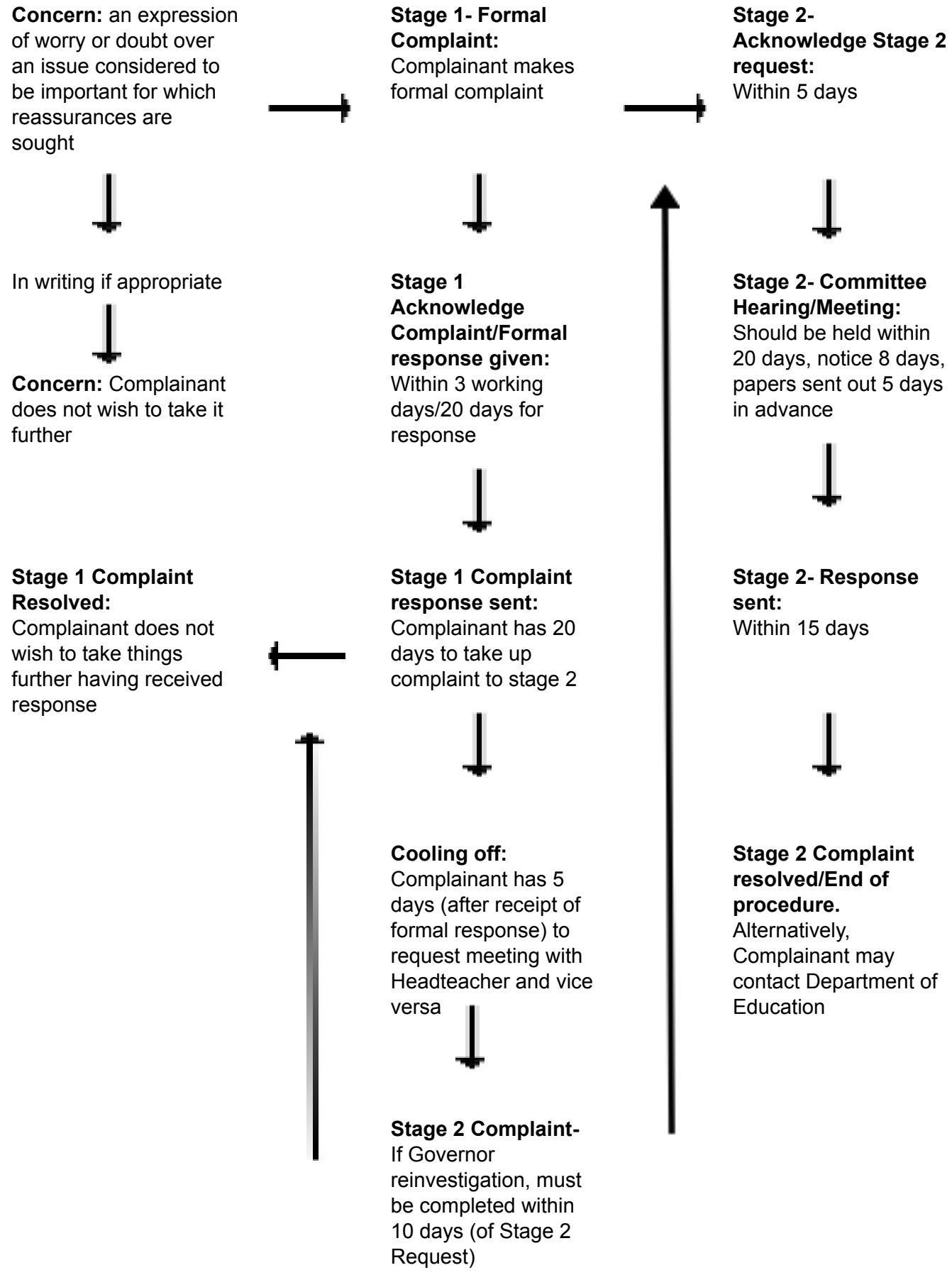
ii. The written acknowledgement should inform the complainant that Clerk will strive to arrange that the complaint is to be heard within 20 school days of the complaint receipt date

iii. Once known, the Chair will then write and inform relevant parties of the date, time and place of the meeting and in any event this should be done at least eight (8) school days in advance of the panel date

iv. 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 – five (5) school days prior to the meeting

v. The panel Chair will send a written decision to both Headteacher and complainant within 15 school days of the panel date.

Complaints Procedure Flowchart



Note 1: Days are school days
Note 2: Third parties who have made use of the facilities of Gospel Oak Primary School must use the Short-form Complaints Procedure with its short-form timetable - see page 12 above