

HOLY TRINITY C of E PRIMARY SCHOOL EAST  
FINCHLEY  
LONDON, N2 8GA

COMPLAINTS POLICY



*High Standards Together*

*'At Holy Trinity School we promise to provide opportunities for every child to be the best that they can be.*

*We aim to create a happy and secure Christian environment in which children can grow in confidence and independence.*

*We strive for excellence in teaching and learning to achieve high standards together.'*

Policy Name - **COMPLAINTS POLICY**

Date reviewed by Finance, Staff & Buildings Committee – Jan 2018

Ratified by Full Governing Body –February 2018

To be reviewed by July 2019

# Holy Trinity C.E Primary School East

## Finchley

### Complaints Procedure

**Purpose:** To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

**Scope:** All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters [relating to the curriculum, exclusion, admissions etc...] which are subject to separate procedures.

#### **General Principles:**

- It is to be hoped that concerns can and should be dealt with informally as they arise with the member of staff or governing body concerned. This procedure is designed to deal with complaints which need to be dealt with formally because such an informal process has failed to resolve the problem.
- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, 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 be considered, save in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable, with time periods being set by the complaints co-ordinator as appropriate, and subject to review if necessary. The currently agreed time periods can be found in the Complaint Flow Chart which forms an appendix to this policy.
- Investigation of any complaint will be carried out impartially in a non-adversarial manner.
- A complainant's desire for confidentiality will be respected as far as possible.

- Appropriate arrangements will be made where the complainant is a child.
- Where necessary, a complaint will be investigated fully and fairly by an independent person.
- Investigation of the complaint will address all points at issue and provide an effective response and appropriate redress where necessary as well as information to the senior management team of the school to ensure future improvement if appropriate.
- Once all stages in the process have been completed the complaints process will be deemed concluded and no further attempt to re-open the complaint will be entertained. Should any further attempt to discuss the complaint be made, the complainant will be informed that the matter is closed.
- The role of complaints co-ordinator will be undertaken by the Head Teacher.

## **Part A Complaining about the actions of a member of staff other than the Head Teacher.**

### **1) Stage 1**

A complaint may be made by letter, telephone, email or in person by appointment. It would be helpful if any complaint could be made known to the complaints co-ordinator but in any event once a complaint is made known to a member of staff the complaints co-ordinator (the Head Teacher) will be informed, and the receipt of the complaint will be acknowledged.

Upon receipt of a complaint the complaint co-ordinator, or a member of staff designated by the complaint co-ordinator, will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Contact the complainant (and meet with them if necessary) if further information is required.
- Clarify what the complainant feels is necessary to resolve the problem.
- Interview those involved with the complaint and/or those complained of, if necessary, either by telephone or in person (in such a case allowing them to be accompanied by a friend or representative if they wish).
- Keep notes of any such interviews.
- Identify areas of agreement between the parties concerned and any misunderstanding which may have arisen.

If the complainant feels uncomfortable dealing with the complaints co-ordinator or member of staff investigating their complaint then the complaints co-ordinator will refer the matter to another member of staff. If the member of staff assigned feels too compromised to consider the matter then the complaints co-ordinator

will refer the complaint to another member of staff or investigate the matter themselves. If the complainant chooses to raise the matter directly with a governor then it will be referred to the complaints co-ordinator.

When the investigation has been concluded, the complainant, and the member of staff concerned, will be informed of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld, or
- The concern is not substantiated by the evidence or
- The concern was substantiated in part or in full and the consequences of such a finding.

Where appropriate this communication will include a record of the areas of agreement between the parties and any areas of misunderstanding which have been found to have occurred.

The complainant will be told that consideration of their complaint is now concluded. A brief note of all meetings and communications between the parties will be retained by the complaints co-ordinator. If the complainant is not satisfied, and the person investigating the complaint was a person designated by the Head teacher rather than the Head Teacher themselves, then the complainant may request that Stage 2 be undertaken. If the Head Teacher carried out the investigation under Stage 1 as complaints co-ordinator then the complainant may request that Stage 3 be undertaken. Any such request must be made within 2 weeks of receiving notice of the outcome.

## **2) Stage 2**

If the complaint is not resolved at the first stage the complainant must put the complaint in writing and pass it to the Head Teacher, who will acknowledge receipt of the complaint in writing. The Head Teacher may delegate the investigation of any complaint referred to him/her but will be responsible for the decision made in response .

The Head Teacher, or a member of staff designated by the Head Teacher will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Contact the complainant (and meet with them if necessary) if further information is required.
- Clarify what the complainant feels is necessary to resolve the problem.
- Interview those involved with the complaint and/or those complained of, if necessary, either by telephone or in person (in such a case allowing them to be accompanied by a friend or representative if they wish).
- Keep notes of any such interviews.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full and the consequences of such a finding. Details of any disciplinary procedures will not be released

Where appropriate this communication will include a record of the areas of agreement between the parties and any areas of misunderstanding which have been found to have occurred.

The complainant will be told that consideration of their complaint is now concluded. The complaints co-ordinator will be informed of the outcome and supplied with copies of notes made and correspondence. If the complainant is not satisfied the complainant may request that Stage 3 be undertaken. Any such request must be made within 2 weeks of receiving notice of the outcome.

### **3) Stage 3**

If the complaint is not resolved at the first or second stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body, or a governor designated by the Chair as the governor responsible for dealing with complaints. The chair of the governing body or governor designated by the governing body as being responsible for complaints is responsible for ensuring correct procedure is followed and organising a Clerk to the panel if a hearing is required. The chair, or governor responsible for complaints will acknowledge receipt of the complaint in writing and convene a complaints panel consisting of a minimum of three members and a maximum of five members of the governing body, none of whom will have had any prior dealing or involvement with the matter at issue. The panel will appoint their own chair from within the panel.

The panel is in charge of setting the timetable and steps required for consideration of the complaint, including the collating of evidence and consideration of whether a hearing will be required. The complainant will be kept informed of the timetable and invited to express their views as to whether there should be a hearing.

If there is to be a hearing

- It will be in private.
- It will be informal in tone and non-adversarial.
- The complainant will be given the opportunity to attend with a friend or representative if desired.
- If the complainant is a child then their parent will be consulted to consider which parts, if any, of the hearing the complainant should attend.
- Any written material required at the hearing will be collated by the Clerk and sent to all parties in advance of the hearing.

- The Clerk will welcome all parties to the hearing, record the proceedings and notify all parties as to the outcome.
- The Chair of the panel is responsible for ensuring that
  - The remit of the panel is explained at the outset of the hearing and each party has the opportunity to put their case without untoward interruption.
  - The issues are addressed.
  - Key findings of fact are made.
  - Parties have had advance notice of written documentation and are given reasonable opportunity to consider new issues if they arise.
  - Parties who may be unaccustomed to speaking at such a hearing are made to feel at ease.
  - The proceedings are conducted informally and with courtesy and respect on all sides.
  - Each party has to opportunity to ask questions of any witness and to state their case.
  - The panel is open minded and acts independently.
  - No member of the panel has a vested interest in the outcome of the proceedings.
  - No member of the panel has had any prior involvement at any earlier stage in the procedure.
  - That all parties (including the complaints co-ordinator) are informed of the panel's decision in writing within the time limits agreed at the outset of the procedure and any further course of action available to any party explained.
- The panel will ensure
  - The hearing is as informal as possible.
  - Witnesses need only attend for the part which relates to the hearing of their evidence.
  - After introductions the complainant (or their representative) will be invited to explain their complaint and call any witnesses they have.
  - The Head teacher (or their representative) may question the complainant and any witness after each has spoken.
  - The Head teacher will then be invited to explain the school's actions and call any witnesses for the school.
  - The complainant may question the Head teacher or any witness after each has spoken.
  - The panel may ask questions at any point.
  - The complainant will then be invited to sum up their complaint.

- The Head Teacher will then be invited to sum up the actions of the school and their response to the complaint.
- The parties will leave while the panel considers whether there is any need for them to remain.
- The panel will then inform the parties that they will be notified of the panel's decision within a set period of time.

The Panel can dismiss the complaint in whole or in part, it can uphold the complaint in whole or in part, it can decide on the appropriate action to resolve the complaint and it can recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

## **Part B Complaining about the actions of the Head Teacher**

### **1) Stage 1**

The complainant must put the complaint in writing and pass it to the Complaints Co-ordinator, the Governor in charge of complaints or the Chair of the Governing Body who will acknowledge receipt of the complaint in writing and arrange for its investigation by the Governor in charge of complaints, or a governor designated by the Chair to the Governors.

The Governor in charge will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Contact the complainant (and meet with them if necessary) if further information is required.
- Clarify what the complainant feels is necessary to resolve the problem.
- Interview those involved with the complaint and/or the Head Teacher, if necessary, either by telephone or in person (in such a case allowing them to be accompanied by a friend or representative if they wish).
- Keep notes of any such interviews.

The investigation will begin as soon as possible and when it has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full and the consequences of such a

finding. Details of any disciplinary procedures will not be released.



Where appropriate this communication will include a record of the areas of agreement between the parties and any areas of misunderstanding which have been found to have occurred.

The complainant will be told that consideration of their complaint is now concluded. The complaints co-ordinator will be informed of the outcome and supplied with copies of notes made and correspondence. If the complainant is not satisfied the complainant may request that a Complaints Panel procedure be undertaken as set out at Stage 3 under Part A. Any such request must be made within 2 weeks of receiving notice of the outcome.

#### **Notes**

**The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential. All documentation relating to the complaint and its investigation and outcomes will be stored securely for a period of six years. Where the complaint is on behalf of a child, then the school may wish to retain the documentation until 6 years after the child has attained the age of 18.**

**If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the London Diocesan Board for Schools and/or the Department for Education.**

## **Annex 1: Model Letters**

### **Model Complaint Form**

#### **Holy Trinity C.E Primary School Complaint Form**

Please complete this form and return it to the Complaints Co-ordinator, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school [ e.g. parent of a pupil on the school's roll ]:

..... Pupil's name [ if  
relevant to your complaint ]:

..... Your Address:

Daytime telephone number: ..... Evening  
telephone number: .....

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated.:

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

Number of additional pages 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:

## **Model Response to spurious complainant**

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the governing body's General Complaints Procedure as:

[Please select appropriate wording from the following]

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

If you are unhappy with the outcome of your complaint you may wish to follow Stage (2)/(3) of the complaints policy, by writing to (the Head Teacher)/(Clerk to the Governing Body).

Yours sincerely,

Complaints Co-ordinator  
Head Teacher  
Or Chair of Governing Body

Model letter of  
**NOTIFICATION OF DECISION REGARDING GENERAL PARENTAL COMPLAINT**

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I conducted an investigation which revealed the following (note areas of agreement between parties and areas of misunderstanding).

I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

**OR**

- The concern is not substantiated by the evidence in that .....

**OR**

- The concern was substantiated in part/in full, as ..... The school will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

**OR**

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

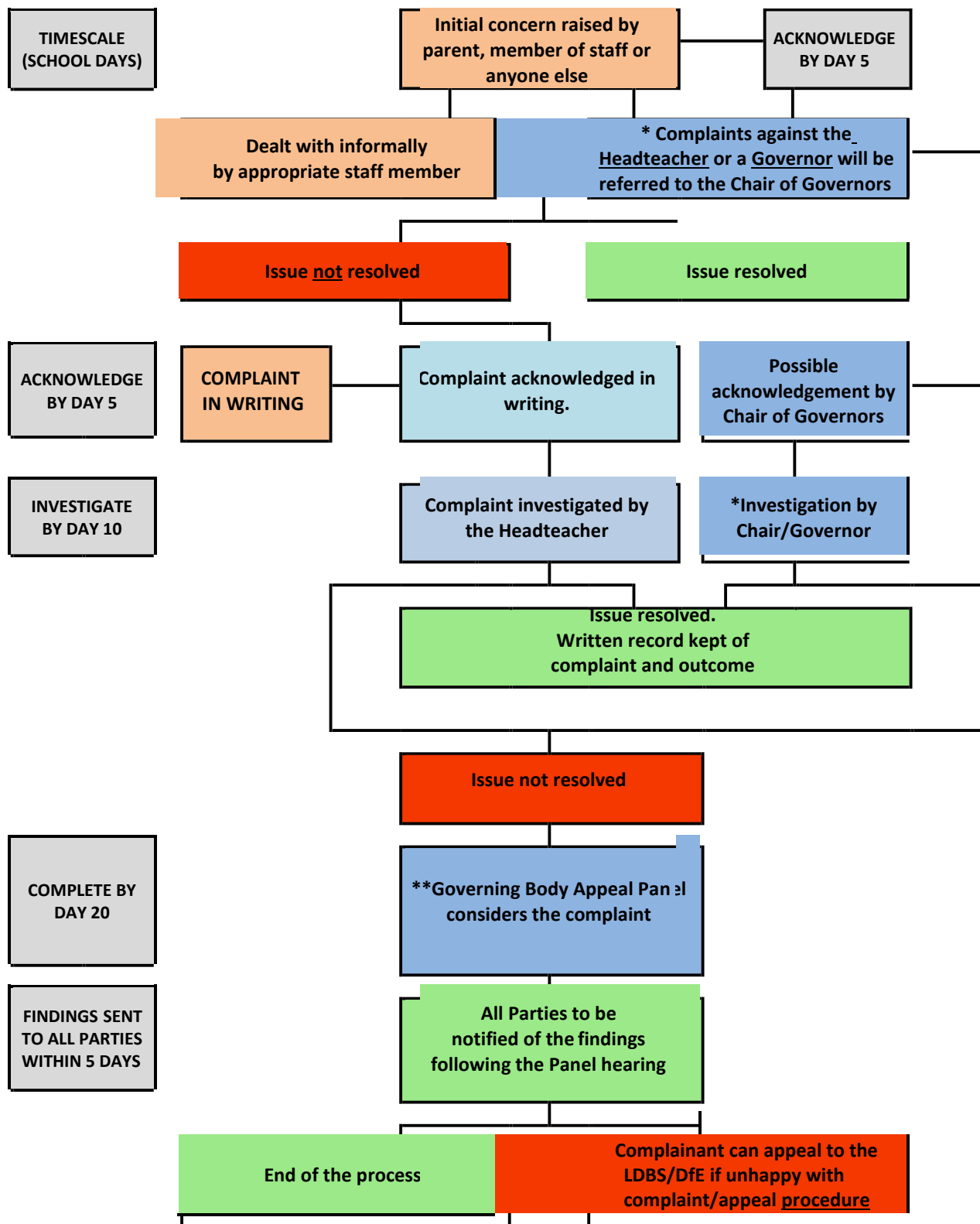
I hope that we may now put this matter behind us and work together for the benefit of your child's progress. However if you are unhappy with the outcome of your complaint you may wish to follow Stage (2)/(3) of the complaints policy, by writing to (the Head Teacher)/(Clerk to the Governing Body).

Yours truly

Complaints Co-ordinator/ Head Teacher / Chair of Governing Body  
c.c. Head Teacher/ Complaints Co-ordinator  
Complaints Policy – amended May 2016

## APPENDIX 2: COMPLAINT FLOW CHART

Appendix 2



\* Depending on the nature of the complaint, the Chair of Governors may delegate the investigation to another governor in the first instance and only become involved personally if the dispute escalates or goes to appeal. A complaint against the Chair of Governors will be investigated by another Governor, usually the Vice-chair.

\*\* The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. One panel member will be 'independent of the school' and typically a governor of another school.