



Muswell Hill Primary School

General Complaints Procedure

For review: Spring 2021

Muswell Hill Primary School is a Rights Respecting School, based upon the UNICEF Convention of the Rights of the Child.

We believe that all children should grow up aware of these rights and respect these rights for themselves and for others. Being a Rights Respecting School underpins policies throughout the school. As policies are reviewed within the cycle they are adapted to demonstrate this. Reviews started in the academic year of 2019/20. The school received the Bronze Award in July 2020 and is currently working towards the Silver Award.

COMPLAINTS PROCEDURE - INTRODUCTION

1.1 This complaints procedure is produced in conjunction with the DfE's 'Best Practice Advice for Schools Complaints Procedure 2016', DfE advice for maintained schools, maintained nursery schools and local authorities. The complaints procedure is a confidential process and, unless they have good reason to do so, those participating in it must not disclose the nature of the complaint or its outcome to third parties.

1.2 The Head teacher should delegate the responsibility for co-ordinating complaints to a staff member (in most instances this will be the Welfare Officer or another member of the office staff).

2 INFORMAL STAGE: RESOLUTION BY CLASS TEACHER OR STAFF MEMBER

2.1 It is in everyone's interests that complaints are resolved at the earliest possible stage. Any member of staff, class teacher or member of the Governing Body may be approached with a concern or complaint from a member of the school's community or from a member of the general public, and these should be directed to the complaints coordinator. It is important that the school attempts to resolve any issues efficiently through discussion with the complainant and staff preferably without invoking the formal procedures. At this stage it is important that concerns are dealt with informally and they can be expressed verbally in writing or over the telephone.

2.2 In instances where a governor is approached with a complaint the governor should not act on an individual complaint outside the formal procedure, or become involved at the early stages, as they may be needed to sit on a panel at a later stage of the procedure, or if s/he is the Chair of the Governing Body, s/he may need to consider the complaint at Stage 2.

2.3 If the concern relates to a possible child protection issue the complainant should be directed to the school's administrative officer in the first instance.

2.4 Where the concern is about teaching pupil behaviour or other issues in the classroom, the complainant should be directed to the class teacher who should try to resolve the issues. The class teacher should discuss the complainant's desired outcome with the complainant. This often helps to defuse anger and frustration and will ensure the complaints system is more effective for both parties who can then work towards achieving the desired outcome.

2.5 If the concern or complaint is about a member of staff, the complainant has the option of raising this directly with the member of staff. It is understandable that in certain situations the complainant may feel the issues are too sensitive or may feel compromised in raising them directly with the member of staff. In these instances, the member of staff's manager can be approached in the first instance; a schedule of staff and their line managers can be found via the school web site. It may be more appropriate that the complaints co-ordinator is available to discuss the complaint with the complainant in the first instance, especially where the complainant indicates

that they would have difficulty discussing a complaint with the member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint the complaints co-ordinator may consider referring the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.

- 2.6 The Head teacher may investigate the complaint at Stage 1, without the first being an informal stage, if s/he considers the nature of the complaint warrants this.
- 2.7 If the concern is about a Head teacher, or about a governor other than the Chair of the Governing Body, the complaint must be directed to the Chair of the Governing Body and the complaint must be considered at Stage 2 of the complaints procedure. If the complaint is about the Chair of the Governing Body, it should be dealt with at stage 3 of the complaints procedure.
- 2.8 The complainant should be informed as soon as possible if their complaint is covered by statutory procedures and given contact details for invoking those procedures. A list of contacts for statutory procedures is provided at **Appendix A**.
- 2.9 If required, translation and interpreting services should also be made available to the complainant. The local authority has a Translation and Interpreting Service from which services can be purchased by the complainant should the local authority wish to charge for this service.
- 2.10 Where an issue cannot be resolved informally the person dealing with the complaint should make a clear note of the complainant's contact details and refer these to the Head teacher who will deal with the concern at Stage 1. When referring the complaint, the person dealing with the complaint should record full details of the complaint including any action that has been taken. This provides a record about the nature of the concerns and the school's attempts to resolve them informally, which will be useful for the Head teacher's investigation at Stage 1. An example of a complaint recording form is attached at **Appendix C**.
- 2.11 A complaint will not normally be dealt with at Stage 1 where it is referred to the Head teacher more than three months after the act/omission complained about. Despite this, it will be dealt with at Stage 1 where the Head teacher is satisfied there was good reason for the delay in its being referred to him/her.

3 STAGE 1: INVESTIGATION BY THE HEAD TEACHER

- 3.1 If the member of staff has been unable to resolve the concern informally, or if the Headteacher considers the nature of the complaint warrants an investigation without an informal stage, the school's formal complaints procedure should be invoked.
- 3.2 At this stage, if this has not already occurred, the complaint should be properly recorded either in the form of a letter or in a complaints book or recording form. This is the responsibility of the Complaints Coordinator. Assistance should be provided to any person who may have difficulties recording their complaint in writing. Where assistance is required a meeting can be arranged to discuss the complaint and details of the agreed complaint should be sent to the complainant for approval and information. Where required translation and interpreting services should be utilised. Contact details for the local authority's translation and interpreting service can be found at **Appendix A**.
- 3.3 The findings of the investigation or response to the complaint should be provided in writing to the complainant. The timescale for providing a response to the complaint at this stage is 15 school term days from the date the complaint reaches Stage 1.
- 3.4 The following checklist will ensure transparency and consistency at this stage:
- Upon receipt of the complaint the Head teacher should acknowledge the complaint in writing within three school term days of receipt. This acknowledgement should give a brief explanation of the school's complaints procedure and target date for a response.
 - The Head teacher should copy the details of the complaint to any member of staff named in the complaint.
 - The complainant should be kept informed of the investigation and advised of the timescales for response.
 - It is important that all telephone calls and meetings relating to the complaint are accurately recorded.
 - Depending on the nature of the complaint the Head teacher may want to consider a mediation procedure. This could involve for example a deputy head or other senior member of staff, the school's School Improvement Adviser or the Family Mediation Officer, who can help to try to resolve the complaint swiftly.
- 3.5 Once all the facts have been established the Head teacher should produce a written response to the complainant and to all parties involved. This letter should contain:
- A full explanation of the decision and the reasons for it
 - Where appropriate what action the school will take to attempt to resolve the complaint
 - Advice that if the complainant remains unhappy s/he should write to the Chair of the Governing Body
 - Advise that this should be done within twenty days of receipt of the response letter from the Head teacher.

4 STAGE 2: INVESTIGATION BY THE CHAIR OF GOVERNORS

If the complaint has been investigated by the Head teacher and the complainant remains unsatisfied, it is the responsibility of the Chair of the Governing Body to investigate the complaint at stage 2 of the process. A complaint should also be investigated at this stage if the complaint concerns the actions of the Head teacher, or of a governor (other than the Chair of the Governing Body).

- 4.1 When the Chair of the Governing Body receives a complaint s/he should ensure the complaint is either reinvestigated or referred to be heard by a panel of the Governing Body at Stage 3. It is important that this reinvestigation process is independent and impartial. Therefore, the Chair of the Governing Body reinvestigating a complaint must be impartial and must not have had any previous involvement since this could result in a conflict of interest. The Chair of the Governing Body may also wish to seek the advice of external bodies such as the local authority Governor Services team or the School Improvement Adviser. The Chair of the Governing Body may arrange for the complaint to be investigated on his/her behalf by another governor, or by another person who is neither a school governor nor a member of staff at the school.
- 4.2 At this point the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. In that event, this dissatisfaction as well as the initial complaint should either be investigated at Stage 2, or referred to be heard by a panel of the Governing Body at Stage 3.
- 4.3 Although complaints at this stage are considered seriously, it is important to remember that the complainants may be unaccustomed to dealing with formal situations, and it is advisable to keep the complaints process as informal as possible.
- 4.4 The following checklist will ensure transparency and consistency at this stage:
 - The complainant should write to the Chair of the Governing Body. Assistance should be provided to those who have difficulty in recording their complaint in writing. Where possible previous letters, associated papers etc should be included.
 - The Chair needs to make a judgement as to whether to reinvestigate at this stage or to progress the complaint to the next stage and convene a Governing Body Complaints Panel. In such circumstances the Chair can seek advice from the local authority.
 - If the complainant is unable to provide a written complaint they should be able to complain to the Chair of Governors over the telephone or in person. In these circumstances it is important that details are properly recorded by the Chair and a copy of the written record is sent to the complainant for approval and information. This will ensure the same level of understanding and expectation from both parties. An example of a complaints recording form can be found at **Appendix C**.

- The Chair should seek to acknowledge the complaint in writing within three school term days of receipt. The acknowledgement should recap the complaint and provide the target date by which the final response will be provided to the complainant.
- The Chair must respond to this stage of the investigation within 20 term days.
- In the event of a reinvestigation, the response must state what the findings are and whether any complaints are upheld or not upheld. Details of any actions the school will take to attempt to resolve the complaint should be provided, together with reasons for the actions. The response should also state that if the complainant remains unhappy s/he should write to the Clerk to the Governing Body, and advise that this should be done within twenty days of receipt of the response letter from the Chair of the Governing Body.
- The Chair should copy the response to the Head teacher and any other member of staff who is concerned in the complaint.

4.5 A complaint against the Head teacher, or against a governor other than the Chair of the Governing Body, will not normally be dealt with at Stage 2 where it is referred to the Chair of the Governing Body more than three months after the act/omission complained about. Despite this, it will be dealt with at Stage 2 where the Chair of the Governing Body is satisfied there was good reason for the delay in its being referred to him/her.

5 STAGE 3: GOVERNING BODY PANEL REVIEW

5.1 The Governing Body Complaints Panel should be convened if at Stage 2 the Chair of the Governing Body refers the complaint to the Panel, or if the reinvestigation of the complaint by the Chair of Governing Body at Stage 2 is unsuccessful in resolving the complaint, or if a complaint is made against the Chair of the Governing Body. A complaint against the Chair of the Governing Body, will not normally be dealt with at Stage 3 where it is made more than three months after the act/omission complained about. Despite this, it will be dealt with at Stage 3 where the Chair of the Complaint Panel is satisfied there was good reason for the delay in its being referred to the Panel.

5.2 The Governing Body Complaints Panel can be pre-established in which case the Governing Body may nominate a number of members with delegated powers to hear complaints at this stage. The Governing Body Complaints Panel should consist of three governors who will have responsibility delegated by the Governing Body to consider the complaint. The Chair of the Complaints Panel may appoint an adviser to the Panel.

5.3 Individual complaints should not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel of governors set up to conduct disciplinary hearing concerning a member of staff against whom a complaint has been made.

- 5.4 The Chair of the Complaints Panel should invite the other panel members, the complainant, the Head teacher, the Chair of the Governing Body and any other relevant persons to the meeting, detailing how the meeting will be conducted and giving at least five school term days' notice. Such invitation may be circulated by the Clerk to the Governing Body. The Clerk to the Governing Body shall set the date, time and venue of the hearing, ensuring that the date and time is convenient to all parties and that the venue is accessible. The Clerk to the Governing Body shall also ensure that the meeting location is adequate and allows for separate waiting areas for the parties.
- 5.5 The Panel meeting should take place within 15 school term days of the complaint reaching this stage. Following the panel meeting the response from the Panel to the complainant should be provided within 10 school term days. The entire process at this stage should be conducted within 25 school term days.
- 5.6 It is the responsibility of the Chair of the Complaints Panel to ensure the Panel is conducted appropriately. The following checklist will ensure transparency and consistency at this stage:
- The Head teacher, the Chair of the Governing Body and the complainant will be expected to provide to the Clerk to the Governing Body at least seven school term days in advance of the meeting all previous paperwork concerning the issues raised in the complaint, any further documents they intend to rely on at the meeting, and the names of the witnesses (if any) they will be calling. All papers and the names of the witnesses (if any) to be called should be circulated by the Clerk to the Governing Body at least five school term days in advance of the meeting.
 - The Complainant should be informed by the Chair of the Complaints Panel of their right to be accompanied by a friend/supporter/interpreter. The Chair of the Complaints Panel shall ensure any translation and interpreting needs are met as requested.
 - A parent/carer who is not a complainant may attend the meeting as if s/he was a party, where the complaint concerns their child.
 - The Chair of the Complaints Panel shall ensure the meeting is provided with refreshments
 - The Head teacher and any teacher involved should be informed by the Chair of the Complaints Panel of their right to be accompanied by a friend/supporter or representative for example a member of their professional association or union.
 - The Head teacher and any teacher involved and the complainant may also invite any other individual who is directly involved in the complaint to attend the meeting as a witness. However, the involvement of additional persons is at the discretion of the Chair of the Complaints Panel. Accordingly, the Chair of the Complaints Panel may decide the Panel will not hear from witnesses who in his/her view has no evidence to give which is relevant to the issues the Panel has to decide.

- Immediately prior to the start of the meeting the Panel should have a pre-meeting on its own with the Clerk and its adviser (if any).
 - At the start of the meeting the Complaints Panel should identify in discussion with the parties the issues it is to decide. Once these issues are identified the Complaints Panel should not consider or decide any other issues.
 - The remit of the panel should be explained to the parties by the Chair of the Complaints Panel.
 - Each party must be given the opportunity of putting their case forward and asking questions without undue interruption.
 - All issues identified by the Complaints Panel must be addressed.
- 5.7 The meeting must be properly minuted by the Clerk to the Governing Body and key findings of fact must be noted.
- 5.8 Parents and others who may not be used to speaking at such a hearing should be put at ease.
- 5.9 The Chair of the Complaints Panel has the power to regulate the meeting, provided any decisions s/he makes are not inconsistent with this Procedure.
- 5.10 The Chair of the Complaints Panel has the power to require additional documentary evidence and/or witnesses to be provided/ called, if not provided/called by a party.
- 5.11 The hearing is to be conducted in an informal manner with everyone treated with respect and courtesy.
- 5.12 If a party wishes at the meeting to introduce previously undisclosed documentary evidence or witnesses, the meeting should be adjourned to allow the other parties time to consider and respond to the new evidence. The Chair of the Complaints Panel has the power to refuse to admit such evidence.
- 5.13 The Panel must be open minded and must act independently. Panel members must not have a vested interest in the outcome of the proceedings or have had any involvement in an earlier stage of the complaint.
- 5.14 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. The complainant should be asked what outcome they are seeking.
- 5.15 It must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible, by establishing the facts and deciding the actions (if any) the school will take to attempt to resolve

the complaint, to satisfy the complainant that his/her complaint has been taken seriously.

- 5.16 The Panel's reply to the complainant should set out whether the Panel upholds the complaint in full or in part; the redress that the panel has decided on if any; and the reasons. The outcome letter should explain that there is no further right of appeal within either the school or the local authority. The final stage of appeal is to the Secretary of State although they will not normally reinvestigate the substance of the complaint.
- 5.17 The Panel should not share its decision on the complaint with the rest of the Governing Body. However it will be permissible for the Panel to tell the Governing Body it had rejected the complaint (if that was the case) , to tell the Governing Body what actions it had decided on behalf of the Governing Body should be taken, and to feedback to the Governing Body on the lessons of the particular complaints process.

6 STAGE 4: INDEPENDENT REVIEW PANEL

- 6.1 Complainants have the right to request an independent panel if they believe there is likely to be bias or has been bias in the proceedings at Stage 3. The independent panel may consist of governors from another school and / or the local authority. The Governing Body panel hearing the complaint at Stage 3 will consider the request in conjunction with the local education authority and respond accordingly. The panel needs to decide whether it is or has been actually or apparently biased. It will be apparently biased if a fair-minded and informed objective observer, having considered the facts, would conclude that there was a real possibility that the panel, or any member of it, was biased.

7 STAGE 5: THE DEPARTMENT FOR EDUCATION (DFE)

Complainants should be advised to write to The School Complaints Unit (SCU) at:
Department for Education
2nd Floor, Piccadilly Gate
Manchester M1 2WD

The Role of the SCU

- 7.1 If the complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so.
- 7.2 The Secretary of State's powers in respect of local authority maintained schools in England are delegated to the SCU. The SCU will examine if the complaint policy and any other relevant statutory policies were followed. The SCU also examines statutory policies to determine if they adhere to education legislation. However, the SCU will not normally reinvestigate the substance of the complaint. This remains the responsibility of the schools.

- 7.3 The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, it may request that the complaint is looked at again.
- 7.4 If legislative or policy breaches are found, the SCU will report them to the school and the complainant and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State.
- 7.5 Schools may wish to contact the SCU for advice on whether they have acted reasonably, for example in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU should not be asked to advise on how to resolve the complaint.
- 7.6 Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor Piccadilly Gate
Store Street
Manchester M1 2WD

8 OFFICE FOR STANDARDS IN EDUCATION (OFSTED)

Generally, Ofsted does not intervene in specific school complaints or matters concerning a dispute or incident. However, in the case of complaints about the working of a school, complaints should be advised of their right to contact Ofsted should they remain dissatisfied or the complaint remain unresolved. Contact details for Ofsted can be found at **Appendix A**.

APPENDIX A

Useful Contact Details

Governor Services

The Children and Young People's Service
4th Floor, Alexandra House
10 Station Road
London N22 7TR
Tel: 0208 489 5030/5074
Email:
school.governors@haringey.gov.uk

Translating and Interpreting Service

River Park House
225 High Road
London N22 8HQ
Tel: 0208 489 2657
Email:
translationandinterpreting@haringey.gov.uk

Haringey First Response Service

The Children and Young People's Service
River Park House
225 High Road
London N22 8HQ
Tel: 0208 489 4592/5652/5762/4582
Office Hours
(Monday to Thursday 8.45 am to 5pm;
Friday 8.45 am to 4.45pm)
Tel: 0208 489 6081/6082

Equalities and Diversity

River Park House
225 High Road
London N22 8HQ
Tel: 0208 489 2518

Catholic Education Services

39 Eccleston Square
Westminster
London
SW1X 1BX
Tel: 0207828 7604

The Advisory Centre for Education

72 Durnsford Road
London
Tel: 0208888 3377

Education Welfare Service

The Children and Young People's Service
4th Floor, Alexandra House
10 Station Road
London N22 7TR
Tel: 0208 489 3866
Email: education.welfareservices@haringey.gov.uk

The Department for Education (DFE)

Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Tel: 01325391102

Office for Standards in Education (OFSTED)

National Business Unit – OFSTED
Royal Exchange Building Street
Anne's Square
Manchester
M2 7LA
Tel: 08456 40 40 45

London Diocesan Body (Church of England)

Diocesan House
36 Causton Street
London
SW1P 4AU

Local Safeguarding Children's Body

The Children and Young People's Service
River Park House
225 High Road
London N22 8HQ
Tel: 0208 489 1472

APPENDIX B

Complaints covered by other statutory procedures

Certain concerns or complaints cannot be addressed under the schools' complaints procedures. In such cases you should contact the appropriate office listed below.

Complaints about:

Children's Social Care

School Admissions Appeals and Transfers

Statements of Special Educational Needs/ Education Health and Care Plans

Contact Details:

Feedback and Information Governance Team

River Park House

225 High Road

Wood Green

London N22 8HQ

Tel: 0208 489 2547

Email: FIG@haringey.gov.uk

Permanent Exclusions

Schools Exclusions Coordinator

River Park House

225 High Road

London

N22 8HQ

Tel: 0208 489 5086

Public Exams

The appropriate examining body is responsible for complaints about public exam grades.

Child Protection

In cases of concern about the welfare of any child please contact the Child Protection Team who will advise you on the next steps.

School re-organisation proposals

Whistle blowing

Schools have an internal Whistle blowing procedure. Other concerns can be raised with Ofsted on 0300 123 3155 email: whistleblowing@ofsted.gov.uk

APPENDIX C

Example Complaint Recording Form

DATE OF COMPLAINT:	
DATE OF ISSUE/INCIDENT:	
COMPLAINANT:	
CONTACT DETAILS: E-MAIL ADDRESS: POSTAL ADDRESS: TELEPHONE NUMBER:	
NAME OF STUDENT: CLASS: DOB:	
COMPLAINT TAKEN BY:	
PREVIOUS ACTION TAKEN BY SCHOOL:	

DETAILS OF COMPLAINT:
DESIRED OUTCOME OF COMPLAINANT:

ACTION TAKEN:	OUTCOME OF COMPLAINT: