

# PINNER WOOD SCHOOL

## Complaints Policy and Procedure



**Approval Authority:** Governing Body

**Effective From:** September 2023

**Date Ratified by GB:**

**Next Review Date:** September 2024

**Signed by Chair of GB:**

# Contents

1. Introduction .....	3
2. The difference between a concern and a complaint.....	4
3. Aims and Principles of the policy .....	4
4. Who can make a complaint.....	5
5. Raising concerns .....	5
6. How to raise a concern or make a complaint.....	6
7. Anonymous complaints.....	7
8. Complaints campaigns .....	7
9. Timescales.....	8
10. Complaints received outside of term time .....	8
11. Scope of this complaints policy and procedure .....	8
11.1. Safeguarding .....	10
11.2 Social media.....	10
12. Resolving complaints.....	10
13. Withdrawal of a complaint.....	11
14. Stage 1.....	11
15. Stage 2 – Governors complaint panel hearing.....	12
16. Stage 2 – Governor review – Complaints where a child no longer attends the School and is no longer on roll.....	16
17. Record keeping.....	17
18. Learning lessons.....	17
19. Monitoring arrangements.....	17
20. Further recourse.....	18
20.1 Special Educational Needs provision complaints.....	18
20.2 Complaints of any other nature.....	19
<b>Appendix 1</b>	
21. Roles and Responsibilities.....	20
21.1 Complainant.....	20
21.2 Investigator (if one is required or appointed).....	20
21.3 Complaints Co-ordinator.....	21
21.4 Clerk to the Governing Body.....	22
21.5 Chair of the Stage 2 Complaints panel.....	22
21.6 Stage 2 Complaints Panel Member.....	23
<b>Appendix 2</b>	
Formal complaint form.....	24
<b>Appendix 3</b>	
Pinner Wood School and Nursery Policy and procedure for managing persistent and vexatious behaviour and complaints.....	26

# 1. Introduction

## School Complaints Procedure

Pinner Wood School and Nursery is a dynamic and vibrant place to work and learn. We are proud of our identity as an inclusive school where every child is treated as a valued individual and is able to thrive. The staff team and governors work hard to create a safe, purposeful and harmonious atmosphere in which all of our children are given the opportunity to achieve. We have high expectations of each other and our pupils. The school works in partnership with parents and carers to ensure that all pupils are offered the support and encouragement that they need. We embrace our diverse community and rich variety of home languages, cultures, faiths and traditions.

At Pinner Wood our Ethos is:

- **Be safe and happy**
- **Have respect for and show kindness to each other**
- **Learn and achieve to the very best of our ability**

We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible. The following lists specific topics and the correct policy to refer to should you have a concern or complaint. You can access some of these policies on the [school website](#).

- **Pupil Admissions:** please see the School's Admissions Policy or contact Harrow Council Admissions team
- **Pupil Exclusions;** please see the school's Behaviour Policy
- **Special Educational Needs:** The Complainant can use this policy to complain unless the Complainant's child has an Education Health and Care Plan and the Complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the Complainant needs to contact the Local Authority.
- **Staff grievance, capability or disciplinary;** these are covered by separate School Policies and Procedures
- **Anonymous complaints:** Please refer to the School's Whistleblowing Policy
- **Subject Access Requests and Freedom of Information Requests:** please see the School's Data Protection and Freedom of Information

School Governing Bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. It is also based on [School complaints procedures: guidance for maintained schools - GOV.UK \(www.gov.uk\)](#) from the Department for Education (DfE) 2019. Sometimes when concerns are more specific, there are alternative and more appropriate policies for dealing with them.

## 2. The difference between a concern and a complaint

We define a **concern** as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

We define a **complaint** as ‘an expression of dissatisfaction however made, about actions taken or a lack of action that requires an investigation and formal response in writing’.

It is in everybody’s interest that concerns and complaints are resolved as swiftly as possible. Many issues can be resolved informally, without needing to escalate to the formal stages of the complaints procedure. Pinner Wood School and Nursery and Nursery takes concerns seriously and we will make every effort to resolve matters as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In such cases, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with your concerns, you will be referred 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 the most important factor.

Pinner Wood School and Nursery and Nursery understands however, that there are some occasions when people only wish to raise their concerns formally. In such instances, the School will attempt to resolve the issue(s) internally, through the stages outlined within this complaints policy and procedure.

## 3. Aims and Principles of the Policy

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points of issue and provide an effective and prompt response
- Respect complainants’ and employees desire for confidentiality
- Treat complainants with respect

- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints procedure
- Consider how the complaint can feed into school improvement evaluation processes
- Maintain good relationships between the School and all those involved

The Governing Body has approved the following policy and procedure which explains what the Complainant should do if they have any concerns or complaint about the school. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Where appropriate, the School may offer mediation to resolve a concern or complaint at any stage of the procedure.

#### **4. Who can make a complaint?**

This complaints policy is not limited only to parents or carers of children that are registered on roll at the School. Other people, including members of the public, may make a complaint to our School, provided that the complaint relates to the provision of facilities or services that we provide. Any issues for which a separate statutory process applies (such as appeals regarding exclusions or admissions) do not fall within the scope of this procedure.

The School will confirm to you upon receipt whether or not your complaint falls under this policy and procedure and what will happen next if it does. For issues that fall outside of this policy and procedure, the School will confirm the correct policy and associated procedure that applies instead.

#### **5. Raising concerns**

The majority of concerns can be dealt with without resorting to the complaints policy and procedure. Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, they must raise this with their child's Class Teacher or Head Teacher in the first instance. Ideally the Class Teacher or Head Teacher will be able to address the Complainants' concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

## 6. 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, provided that the third party is able to demonstrate to the School that they have the appropriate consent to do so.

Concerns should be raised with either the Class Teacher, or Senior Leader Team member. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the formal complaints procedure. In the event that a Governor is approached by a complainant, they should signpost the complainant back to the most appropriate person. This could be the Class Teacher, Headteacher or Chair of Governors, depending on which stage the complaint has reached.

Complaints against School staff (except the Headteacher) should be made in the first instance, to the Headteacher via the School Office. They should be marked Private and Confidential.

Complaints regarding the Headteacher should be addressed to the Chair of Governors and submitted via the School Office. They should be marked as Private and Confidential. The School Office will ensure that the Chair of Governors receives this promptly.

Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to the Clerk to the Governing Body and submitted to the School Office. They should be marked Private and Confidential. The School Office will ensure that the Clerk receives this promptly.

For ease of use, a template complaint form has been included within this complaints policy and procedure (Appendix 2). If you require help to complete the form, you should contact the School Office. You can also ask third party organisations like the Citizens Advice Bureau or an Independent Advocate to help you. Pinner Wood School and Nursery and Nursery will ensure that all formal complaints are documented in writing to ensure that the issues being complained about and the complainant's desired outcomes are clear. Complainants will be asked to submit their complaint in writing, either by sending an email or a letter via the School Office using the School's formal complaint form **(Appendix 2)**

In accordance with equality law, as outlined above, the School will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints form. This includes providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If a complainant is unable to submit their complaint in writing, the School will ensure that the issues being complained about and the outcomes being requested are documented in writing. The School may do this in either of the following ways:

- **Invite the complainant to a meeting with the Headteacher or Chair of Governors (depending on what stage the complaint has reached) and a Notetaker.** The Notetaker will document the issues being complained about and the complainant's desired outcomes, as discussed and agreed during the course of the meeting. At the end of the meeting, the complainant will be given a copy of the notes of the meeting containing this information and the School will retain the original copy for the purpose of investigating the complaint(s).
- **Signpost the complainant to independent support, including Advocacy.** Advocates provide qualified, independent support for people that have difficulty understanding information and advice or who would like support in communicating their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints procedure.

## **7. Anonymous complaints**

Pinner Wood School and Nursery and Nursery will not normally investigate anonymous complaints. In such instances, the Headteacher and/or the Chair of Governors will determine whether the complaint warrants an investigation and will ensure that this is completed. The outcome of the investigation cannot be shared with the complainant, as the School will not know who they are and therefore, the School cannot ascertain whether or not the person is entitled to have confidential information regarding the complaint investigation shared with them.

## **8. Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the School may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

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

## **9. Timescales**

All complaints must be raised within three months of an incident or event. Where a series of associated incidents have occurred, the complaint must be raised within three months of the last of these incidents. Pinner Wood School and Nursery and Nursery will consider exercising the discretion to consider matters raised outside of this timeframe, only if the School deems that exceptional circumstances apply. To enable the School to make this decision, the complainant will be asked to explain their reasons as to why they have taken longer than three months to raise their complaint. If the complainant does not provide any explanation or the School deems that the explanation given is not compelling or exceptional enough to warrant the issue(s) being investigated as a late complaint, the School will confirm this in writing and take no further action.

## **10. Complaints received outside of term time**

Pinner Wood School and Nursery and Nursery will consider any complaints made outside of term time to have been received on the first School day after the holiday period. The School will send the complainant an acknowledgement of their complaint, confirming the date of receipt, what will happen next and the timescale that applies. This will differ depending on what stage of the complaints procedure has been reached.

## **11. Scope of this Complaints Policy and Procedure**

This policy and procedure only applies to complaints about the provision of facilities or services by Pinner Wood School and Nursery and Nursery.

Some examples of issues that may be complained about are as follows:

- Complaints from individuals, including members of the public, about the provision of facilities or services by the School
- Issues from parents or carers of children who attend the School
- Complaints regarding pupil welfare and wellbeing
- Complaints regarding bullying
- Complaints regarding staff behaviour
- A Governor complaining about a member of Staff
- A member of Staff complaining about a Governor
- A Governor complaining about another Governor



- Complaints about the School's handling of a Subject Access Request (SAR) or a Freedom of Information (FOI) Request

The following matters cannot be dealt with as a formal complaint:

- Complaints about pupil behaviour outside of School hours, e.g. weekends and holiday periods – such issues are not the School's responsibility
- Complaints regarding third parties using or hiring School premises – third party providers should have their own complaints procedure and you should contact them directly
- Complaints about the School carrying out a statutory duty, e.g. making a Child Protection referral – the School's complaints procedure cannot be invoked to stop it from doing something it has a duty to do so
- Matters likely to require a Child Protection Investigation – Complaints about Child Protection matters are handled under the School's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance
- A member of staff complaining about another member of staff – refer to the School's Internal Grievance Procedures
- A member of staff complaining about an action or a decision of the School's Full Governing Body - the Governing Body will have already given the matter full consideration
- Whistleblowing – refer to the School's Internal Whistleblowing Procedure for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to Whistleblowing in education for those who do not wish to raise matters directly with their employer. Referrals can be made at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)
- Complaints regarding internal management decisions, e.g. Class and Teacher Allocations and School Session Time changes
- National Curriculum content – contact the Department for Education at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)
- Complaints about a decision or procedure that has been subject to a full consultation and subsequently approved by the Full Governing Body – the Governing Body has already given the matter full consideration and respondents have had the opportunity through the consultation process to put forward their views
- Unsuccessful School admission applications – these may ultimately be appealed to an Independent Appeal Panel led by the Local Education Authority
- Complaints about Fixed-Term or Permanent Exclusions – Permanent Exclusions may ultimately be appealed to an Independent Review Panel (IRP). For Fixed Term Exclusions, representations can be made to the Chair of Governors outside the provisions of the complaints procedure

If other bodies are looking into aspects of a complaint, for example the Police, the Local Authority (LA) Safeguarding Teams or a Tribunal, this may impact on the School's ability to adhere to the timescales set out within this policy and procedure or may result in the procedure being suspended until the other relevant body has concluded its enquiries.

If a complainant commences legal action against Pinner Wood School and Nursery and Nursery in relation to their complaint, we will consider whether to suspend the complaints procedure until the legal proceedings have concluded. The School will only consider investigating the complaint after the conclusion of legal proceedings if those proceedings did not address the issues at the heart of the complaint.

### **11.1 Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

### **11.2 Social Media**

In order for concerns or complaints to be resolved as quickly and fairly as possible, we ask that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by the school and we expect complainants to observe confidentiality also. Please refer to the school's Data protection policy.

## **12. Resolving complaints**

At each stage of this procedure, Pinner Wood School and Nursery and Nursery will aim 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 if it is deemed appropriate and necessary:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event(s) 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 relevant School policies in light of the complaint
- An apology

### **13. Withdrawal of a complaint**

If a complainant wishes to withdraw their complaint, they must inform the School. Pinner Wood School and Nursery and Nursery will ask them to confirm this in writing. If they are unable to do this however, the School will write to them to confirm that their complaint has been withdrawn, in accordance with their wishes.

### **14. Stage 1**

Formal complaints must be made to the Headteacher in the first instance (unless the complaint is about the Headteacher) via the School office. If you are unable to submit your complaint in writing by email or letter or by using the formal complaint form, the School will follow the steps set out in section 5 and 6 of this policy and procedure, by offering to meet you and/or signposting you to a free and impartial Advocacy and Support Service.

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

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome(s) the complainant would like to see. The Headteacher will consider whether a face to face meeting is the most appropriate way of doing this. The Headteacher can delegate the investigation of the complaint to another member of the School's Senior Leadership Team, but not the decision(s) to be taken.

During the investigation, the Headteacher (or Investigator) will:

- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. The decision in terms of who should be interviewed and how is up to the Headteacher (or Investigator)
- Keep a written record of any meetings or interviews in relation to their investigation

Once the investigation has been concluded, the Headteacher will provide a formal written response within 10 School days from the date of receipt of the complaint. If the Headteacher is unable to meet this deadline for whatever reason, they will provide the complainant with an update and a revised response date.

The response will detail the actions taken to investigate the complaint and will provide a full explanation of the decision(s) made and the reasoning behind them.

Where appropriate and possible, the response will include details of actions Pinner Wood School and Nursery will take to hopefully resolve the complaint.

The Headteacher will advise the complainant how they may escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair of Governors), a suitably skilled Governor will be appointed to complete all of the required actions at Stage 1 as set out above.

Complaints about the Headteacher or a member of the Governing Body must be made to the Clerk, via the School Office.

If the complaint is:

- jointly about the Chair and Vice Chair of Governors,
- the majority of the Governing Body or
- the entire Governing Body

Stage 1 will be considered by an Independent Investigator appointed by the Clerk to the Governing Body. This person could be a Governor from another School. At the conclusion of their investigation, the Independent Investigator will provide a formal written response to the complainant.

If the complainant is dissatisfied with the Stage 1 response to their complaint, they have 10 School days in which to request escalation to Stage 2 of the complaints procedure.

Escalation requests made outside of this timeframe will typically not be accepted.

If the request is late, the complainant will be asked to explain why they have taken longer than 10 School days to request escalation of their complaint to the next stage. If the complainant does not provide any explanation or the School deems that the explanation given is not compelling or exceptional enough to warrant accepting the escalation request out of timescale, the School will confirm this in writing and take no further action.

## **15. Stage 2 - Governors Complaint Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – where the complaint is heard by a Panel of Governors. The Panel is comprised of 3 impartial Governors, usually from the School's Governing Body. In exceptional circumstances however, a decision may be taken to use Governors from other Schools to make up the Panel. Stage 2 is the final stage of the School's complaints process.

A request to escalate to Stage 2 must be made by the complainant to the Chair of the Governing Body (or the Clerk to the Governing Body if the complaint is about the Chair) via the School office, within 10 School days of the Stage 1 response being issued.

The Chair of Governors (or the Clerk) will record the date the Stage 2 escalation request is received and acknowledge receipt of the request in writing (either by letter or email) within 3 School days.

Requests received outside of this timeframe will only be considered if the School deems that exceptional circumstances apply. Stage 2 will only consider complaints that have already been lodged and investigated at Stage 1. It is not an opportunity to raise new complaints. Any complainant wishing to do so must first complete Stage 1 of the School's complaints process.

The Chair of Governors (or the Clerk) will write to the complainant to inform them of the date of the Stage 2 Complaints Panel Hearing. They will aim to convene a Panel within 20 School days of receipt of the Stage 2 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates and without good reason, the Chair of Governors (or the Clerk) will decide when the Panel Hearing will be. It is permitted to proceed in the complainant's absence on the basis that the Panel will consider all written submissions from both parties.

The Stage 2 Complaints Panel Hearing will consist of at least three Governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will serve as the Chair of the Panel. If there are fewer than three Governors from <Insert Name of School> available (for example due to sickness or other prior commitments), the Chair of Governors (or the Clerk) will source any additional, impartial Governors through another local School or through the Local Authority's Governor Services Unit, in order to make up the committee. On some occasions, a Panel comprised entirely of external Governors may be convened to hear the complaint at Stage 2. This will depend on the circumstances of the complaint and the decision will be made by the Chair of Governors (or the Clerk).

The Complaints Panel will decide whether to deal with the complaint by inviting parties to a Hearing or by way of written representations, but in making their decision they will be sensitive to the complainant's needs. The Hearing may take place with both parties present or attending separately at different times. Once again, this will depend on the circumstances of the complaint.

Both parties (i.e. the complainant and the respondent on behalf of the School) may bring someone along with them to provide support. This could be a friend, relative or independent supporter. Generally, whilst not prohibited, we do not encourage either party

to bring Legal Representatives to the Panel Hearing as it is not a Court of Law and cross questioning is not permitted. All questioning throughout the Hearing is conducted by the Panel. Witnesses, including members of staff, may be invited to give evidence during the course of the Panel Hearing. They may also bring someone along with them to provide support, such as a friend, relative or independent supporter.

If a complaint is made regarding the behaviour or conduct of a member of staff and it is upheld in full or in part, this may result in some form of disciplinary action taking place. Where this is the case, complainants will be informed that the matter will be progressed through Staff Disciplinary Procedures, if appropriate, but the outcome(s) cannot be shared with them as this information is confidential between the employer and employee.

Representatives from the media are not permitted to attend a Stage 2 Complaints Panel Hearing.

At least 14 School days before the meeting, the Chair of Governors (or the Clerk) will:

- Confirm and notify the complainant (and the respondent on behalf of the School) of the date, time and venue of the Panel Hearing. Every effort should be made to try and ensure that that Hearing date and time is convenient for both parties and that the venue and proceedings are accessible. Please note however, that if the complainant rejects the offer of three proposed dates and without good reason, the Chair of Governors (or the Clerk) will decide when the Panel Hearing will be and it is permitted to proceed in the complainant's absence on the basis that the Panel will consider all written submissions from both parties. Similarly, if either party elects to leave the Hearing before it has finished, it is permitted to continue in their absence.
- Request copies of any further written material to be submitted to the Panel at least 7 School days before the meeting. Late evidence will not be accepted.

Any written material submitted will be circulated to all parties at least 5 School days before the date of the Hearing. The Complaints Panel will not normally accept as evidence audio or video recordings of conversations that were obtained covertly and/or without the informed consent of all parties being recorded.

The Complaints Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint that may have been included. Any new complaints must be dealt with at Stage 1 of the complaints process first.

The Stage 2 Complaints Panel Hearing will be held in private. Electronic recording of the Hearing is not normally permitted unless a complainant's own disability or special needs require a reasonable adjustment to be made. Complainants cannot insist on a Hearing being recorded without good reason. Prior knowledge and consent of all parties attending must be sought and obtained before recording of the Hearing can take place. Any request to audio or video record the meeting and whether this was consented to or not by all parties present should be documented in the Clerk's detailed notes of the Hearing. The

final decision as to what reasonable adjustments will be made, if any, rests with the school.

The Stage 2 Complaints Panel will consider the complaint and all of the evidence presented by both parties. The Panel can:

- Uphold the complaint in full or in part.
- Reject the complaint in full or in part.
- Make a finding of No Judgement if there is insufficient evidence to reach a definitive conclusion.

If the complaint is upheld in full or in part, the Stage 2 Complaints Panel will:

- Decide on the appropriate action to be taken to try and resolve the complaint.
- Where appropriate, recommend changes to the School's systems or procedures to prevent the same or similar issues happening in the future.

The Chair of the Panel will provide the complainant and the respondent on behalf of the School with a full explanation of their decision and the reason(s) for it, in writing, within 5 School days of the Hearing.

The outcome letter to the complainant (and copied to the respondent on behalf of the School) will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by <Insert Name of School>.

If the complaint is:

- jointly about the Chair and the Vice Chair of the Governing Body or
- the majority of the Governing Body or
- the entire Governing Body,

Stage 2 will be heard by a Panel of Independent Governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision(s) made and the reason(s) for them. Where appropriate, it will include details of actions <Insert Name of School> will take to try and resolve the complaint and to prevent the same issues from recurring.

The response will also advise the complainant how to escalate their complaint should they remain dissatisfied.

## **16. Stage 2 - Governor Review - Complaints where a child no longer attends the School and is no longer on roll**

The purpose of this complaints procedure is to ensure that if an error has been made, or an injustice has occurred, action can be taken to try and provide a remedy. Where the complainant has removed their child from the School, it is impossible for the School to provide a remedy that will directly benefit them or their child.

However, as the Governing Body has a duty of care to pupils who remain on roll, where a child has left the School, it will ensure that the circumstances of any complaint made are reviewed so that the Governing Body is satisfied that the School had acted appropriately and that the relevant policies and procedures had been followed correctly.

Under this policy and procedure, where a child no longer attends the School and their name has been removed from the School roll, the Chair of Governors has the discretion to commission a Stage 2 Governor Review instead of a Stage 2 Complaints Panel. The Chair of Governors will choose one of the two options, to ensure that the complaint is investigated appropriately and that the complaints procedure can be concluded, however, the final decision as to which option they choose is entirely at their discretion.

If a decision is taken to commission a Stage 2 Governor Review instead of a Stage 2 Complaints Panel Hearing, the Chair of Governors will appoint a Governor who has had no prior involvement in the complaint to undertake this. If a Governor cannot be appointed from the School's own Governing Body (for example due to sickness or other prior commitments), the Chair of Governors will appoint an independent Governor from another local School or through the Local Authority's Governor Services Unit.

Once a Governor has been appointed, they will review the original complaint, the Stage 1 Investigation and response, the complainant's reply to the Stage 1 response (including their escalation request) and any further evidence the complainant has submitted (this must relate to the complaint and cannot be in relation to new matters).

When the review is complete, either the Chair of Governors or the Governor who conducted the review will write to the complainant to inform them whether the complaint has been upheld or rejected, in full or in part, and of any changes to practice and procedures which have been agreed by the Governing Body.



## **17. Record Keeping**

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

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint on the Hearing Panel, or on the Review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy/record retention schedule.

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

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

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

## **18. Learning Lessons**

The Governing Board will review any underlying issues raised by complaints with the Headteacher/ Senior Leadership Team or relevant person where appropriate, and respecting confidentiality, to determine whether there are any improvements that the School can make to its procedures or practice to help prevent similar events in the future.

## **19. Monitoring arrangements**

The Governing Board will monitor the effectiveness of the complaints policy and procedure in ensuring that complaints are handled properly. The Governing Board will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the Headteacher bi-annually

At each review, the policy will be approved by the Full Governing Body

## **20. Further recourse**

### **20.1 Special Educational Needs provision complaints**

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Deputy Head (Special Educational Needs Co-ordinator) and they will then be referred to this complaints policy and procedure. Our SEN policy and information report includes information about the rights of parent of pupil with disabilities who believe that our school has discriminated against their child.

If your complaint is about the way the School has been delivering the provision set out in Section F of your child's Education, Health and Care Plan (EHCP), you may complain further to the Local Authority that maintains your child's EHCP.

If the EHCP is maintained by Harrow Council, you may complain further by setting out the detail of your complaint and sending it to:

*Harrow Council – Complaints Department*

*Harrow Council*

*Civic Centre*

*Station Road*

*Harrow*

*Middlesex*

*HA1 2XF*

Once in receipt of your complaint, the Complaints Manager for Children's Services will ensure that the Local Authority completes a Section F Provision Checklist. This procedure entails a Provision Checklist being drawn up directly from Section F of the EHCP. A Senior SEND Officer will then visit the School in order to work through the checklist point by point and complete it. The Senior SEND Officer will seek the comments of the Headteacher, Senior Leadership Team, SENCo and Governors as appropriate, as well as any other information or advice that they deem necessary.

Once the Provision Checklist has been completed, the Local Authority will notify the complainant of the outcome in writing, enclosing a copy of the checklist. A copy of the outcome letter and Checklist will also be sent to the School for its information and record keeping. This process will take up to 25 working days (of the Local Authority) to conclude.

Complainants who remain dissatisfied following further investigation of their Special Educational Needs provision complaint by the Local Authority may complain to the Secretary of State who may decide to conduct an additional investigation. The contact details for the Secretary of State are set out below.

## **20.2 Complaints of any other nature**

If the complainant believes that the School did not handle their complaint correctly in accordance with this complaints policy and procedure or that it acted unlawfully or unreasonably in exercising its duties under education law, they can approach the Department for Education (DFE) after they have exhausted the School's complaints procedure at Stage 2.

The DFE will not normally re-investigate the substance of a complaint or overturn any decisions made by Pinner Wood School and Nursery and Nursery. They will consider whether the School has adhered to education legislation and any statutory policies relevant to the complaint. The DFE will not substitute its decision for that of the Stage 2 Complaints Panel simply because the complainant disagrees with it.

The complainant can refer their complaint to the Secretary of State at the Department for Education online at [www.education.gov.uk/contactus](http://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*

## **21. Roles and Responsibilities**

### **21.1 Complainant**

The complainant should:

- Explain their complaint in full as swiftly as possible
- Co-operate fully with the School to try and resolve the complaint
- Respond promptly to requests for information or meetings
- Agree the details of their complaint and their desired outcomes in a timely way if clarification is requested
- Ask for assistance if or when needed
- Treat everybody involved in their complaint and the complaints procedure with dignity and respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality
- Refrain from making allegations and threats

If the complainant fails or refuses to follow the above, the School may have to suspend its consideration of their complaint, either temporarily or permanently, depending on the nature of the complainant's behaviour and how this affects the School's handling of the complaint. In such circumstances, the School also reserves the right to invoke its Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints (contained in Appendix 3).

### **21.2 Investigator (if one is required or appointed)**

This could be the Headteacher or another member of the School's Senior Leadership Team. 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 any staff, children, young people or any other people relevant to the complaint
  - Consideration of records and other relevant information
  - Analysing information
  - Referring to any relevant School policies and procedures that apply

- Liaising with the complainant and the Complaints Co-ordinator as appropriate to try and identify how the complaint may best be resolved

The Investigator should:

- Conduct interviews with an open mind and be prepared to persist in their questioning if they deem this necessary
- Keep notes of interviews or arrange for an independent note taker to document the meeting
- Ensure that any papers produced during the investigation are kept securely pending further consideration of the complaint
- Be mindful of the timescales to respond
- If the Investigator is somebody other than the Headteacher, then they should prepare a comprehensive report for the Headteacher or the Stage 2 Complaints Panel that sets out the facts, tries to identify solutions and makes recommendations to try and resolve the issues

The Headteacher or Stage 2 Complaints Panel will then determine whether to uphold or reject the complaint in full or in part and communicate their finding(s) to the complainant, providing the appropriate escalation details.

### **21.3 Complaints Co-ordinator**

This could be the Headteacher, a Designated Complaints Governor or a member of School staff providing administrative support.

The Complaints Co-ordinator should:

- Ensure that the complainant is updated at each stage of the School's complaints procedure
- Liaise with staff members, the Headteacher, the Chair of Governors, the Clerk and any another relevant sources of information or support, to ensure a smooth and effective complaints procedure
- Remain mindful of issues regarding:
  - Sharing third party information
  - Additional support. This may be needed, for example, by complainants when making a complaint, including an Interpreter or where the complainant is a child or young person
- Keep accurate records and store them securely

## **21.4 Clerk to the Governing Body**

The Clerk is the point of contact for the complainant, the respondent on behalf of the School and the Stage 2 Complaints Panel. They should:

- Ensure that everybody involved in the complaints procedure is aware of their legal rights and responsibilities, 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 that the dates are convenient to all parties if they are invited to attend (unless two proposed dates have been declined without good reason in which case the Clerk or the Chair of Governors will decide when the Hearing will be). They should also ensure that the venue and proceedings are accessible for all attendees
- Collate any written material relevant to the complaint (for example; the Stage 1 paperwork, the respondent on behalf of the School's submission, the complainant's submission and signed, dated witness statements) and send it to all parties in advance of the meeting within an agreed timescale (including the Panel)
- Take detailed notes of the Stage 2 Complaints Panel Hearing
- Provide a copy of their detailed notes to either or both parties if requested to do so
- Notify both parties of the Panel's findings

## **21.5 Chair of the Stage 2 Complaints Panel**

The Chair of the Stage 2 Complaints Panel will be appointed in advance of the Hearing and 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 Hearing
- The Hearing is conducted fairly and impartially, 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 attending such Hearings are put at ease insofar as possible. This is particularly important if the complainant is a child or young person
- The remit of the Complaints Panel is explained to both parties
- 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 in the time of the complaint being heard by the panel, it will not be considered as part of this complaints procedure.
- Both the complainant and the respondent on behalf of the School are given the opportunity to put forward their case and seek clarity, either through written submissions ahead of the Hearing or verbally in the Hearing itself
- No cross questioning is permitted. All questioning is conducted by the Panel

- The issues are addressed
- Key findings of fact are made
- The Panel is open-minded and acts independently
- No member of the Panel has an external interest in the outcome of the proceedings or has had any involvement at an earlier stage of the complaints procedure
- The Clerk takes detailed notes of the Hearing
- They liaise with the Clerk whenever the need arises (and the Complaints Co-ordinator, if the School has one)

## **21.6 Stage 2 Complaints Panel Member**

Stage 2 Complaints Panel Members should remain mindful that:

- The Hearing must be independent and impartial and should be seen to be so
- No Governor may sit on the Panel if they have had prior involvement in the complaint or in the circumstances surrounding it
- The aim of the Hearing should be to try and resolve the complaint and achieve reconciliation between the School and the complainant wherever possible
- The complainant may not be satisfied with the outcome if the Panel does not find in their favour. It may only be possible to establish the facts and make recommendations
- Many complainants will feel nervous in a formal setting such as this
- Parents and carers often feel emotional when discussing issues that affect their children
- Extra care needs to be taken if the complainant is a child or young person and they are present during all or part of the Hearing
- Careful consideration of the atmosphere and proceedings should be given to ensure that's a child or young person does not feel intimidated.
- The Panel should respect the views of a child or young person and give them equal consideration to those of adults
- If a child or young person is the complainant, the Panel should ask them in advance if any support is needed to help them present their complaint
- Where a child or young person's parent or carer is the complainant, the Panel should give them the opportunity to say which parts of the meeting, if any, the child or young person would like to be present for
- The complainant should be advised that it may not be agreed for a child or young person to attend a Hearing if the Panel considers that it is not in the child or young person's best interests
- The welfare and best interests of the child or young person should remain at the forefront at all times

## ***Appendix 2***

### **Formal Complaint Form**

<b>Name:</b>		
<b>Address:</b>		
<b>Postcode:</b>		
<b>Email address:</b>		
<b>Telephone No:</b>	<b>Day:</b>	
	<b>Evening:</b>	
	<b>Mobile:</b>	
<b>What is the nature of your complaint? (Please use additional sheets if needed)</b>		
<b>Have you raised your issue(s) with your child's Class Teacher at the informal stage? If so, when did you do this?</b>	Yes (inc. date)	No
<b>Have you complained to the Headteacher at Stage 1?</b>	Yes (inc. date)	No



<b>What happened when you complained to the Headteacher?</b>	
<b>What are your desired outcomes?</b>	
<b>Signed:</b>	
<b>Date:</b>	

Please return your completed complaint form to the School Office either by email at [office@pinnerwood.co.uk](mailto:office@pinnerwood.co.uk) or in a hard copy format and it will be passed to the Headteacher or Chair of Governors, depending on what stage the complaint is at and what it is regarding.

### **Pinner Wood School and Nursery and Nursery Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints**

Pinner Wood School and Nursery and Nursery is committed to dealing with all complaints fairly and impartially and in accordance with the complaints policy and procedure that the Governing Body has adopted.

The School will not normally limit the amount of contact that parents, carers or complainants have with us; however, the School does not expect its staff to tolerate unreasonable behaviour and we will take decisive action to protect staff from such behaviour, including any that the School deems to be abusive, offensive or threatening.

Pinner Wood School and Nursery and Nursery defines unreasonable behaviour as that which affects the smooth and efficient running of the School on a daily basis, or that which hinders the School's consideration of complaints because of the frequency or nature of the complainant's contact with the School, such as, if 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 procedure at any stage
- 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, or only in a way that suits themselves
- Introduces trivial or irrelevant information that they expect to be taken into account and commented upon
- Raises detailed but unimportant questions and insists they are answered fully, often immediately and to their own timescales
- Makes unfounded complaints about staff who are trying to deal with the issues and seeks to have them replaced
- Seeks to change the basis of some or all of the complaint as the complaints process proceeds
- Repeatedly makes the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed)
- Refuses to accept the outcome of the complaints procedure despite the fact that the procedure has been exhausted and correctly implemented, including signposting the complainant to the Department for Education (DFE)
- Seeks an unrealistic outcome

- Makes excessive demands on School time by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding the complaint, in person, in writing, by email and by telephone whilst the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Makes and breaks contact with the School on an ongoing basis with varying time delays in between
- Knowingly provides false information
- Persistently approaches various individuals at the School, as well as the Local Authority, Ofsted and the Department for Education, etc, through different routes about the same issue(s) in the hope of eliciting different responses
- Publishes what the School deems to be inappropriate or unacceptable information on social media or other platforms

Complainants should try to limit their communication with the School where it relates to their complaint, whilst the complaint is being progressed through the complaints procedure. It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome(s) being finalised.

Wherever possible, the Headteacher or Chair of Governors will discuss any concerns with the Complainant/Parent/Carer about their behaviour informally before deciding to invoke this policy and procedure for managing persistent and vexatious behaviour and complaints.

If any unreasonable behaviour continues after the Headteacher or Chair of Governors has spoken informally with the Complainant/Parent/Carer, the Headteacher will write to them. The Headteacher will confirm that the School deems their behaviour to be persistent and/or vexatious and will ask them to stop behaving in this way.

Wherever Complainants/Parents/Carers continue to contact Pinner Wood School and Nursery excessively, causing a significant level of disruption, the School will consider whether to impose some or all of the following communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only)
- Requiring contact to take place with a designated member of Staff (e.g. the Headteacher)
- Restricting telephone calls to specified days and times
- Asking the complainant to enter into an agreement about their future contact with the School
- Informing the complainant that if they do not follow this advice (as stated above), any further communication/correspondence that does not present significant new

matters or new information will only be kept on file and will not be acknowledged or responded to

- If the complainant tries to re-open an issue that has already been considered through the complaints procedure, the Chair of Governors will inform them in writing that the procedure has been exhausted, that the matter is now closed, and that the School will not enter into any further correspondence about it

The decision of the Headteacher or Chair of Governors to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through the School's complaints procedure. This is because the decision will be reviewed by the Headteacher or Chair of Governors after six months. If the Complainant/Parent/Carer's behaviour has remained the same or worsened, the Headteacher or Chair of Governors reserves the right to extend the communication restrictions for a further six months each time they review the situation. If the Complainant/Parent/Carer's behaviour has improved to a level that the School deems acceptable, then communication restrictions will be lifted on the proviso that should matters regress, the School reserves the right to reinstate the communication restrictions that previously applied.

In response to any serious incident of aggression or violence, Pinner Wood School and Nursery and Nursery will immediately inform the Police and communicate our actions in writing. This may include barring the individual(s) from the School premises. Should the School deem this necessary, it will ensure that it adheres to the guidance issued by the Department for Education (DFE) entitled Controlling access to School premises.

Pinner Wood School and Nursery also reserves the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.