



# Complaints procedure

PRIMARY  
ADVANTAGE

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Primary Advantage



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## Revisions

Date	Summary of changes
January 2021	<ul style="list-style-type: none"><li>• Addition of a revisions section.</li><li>• Clarification of where complaints should be sent.</li><li>• Addition of a section on how the federation deals with complaints about early years provision.</li><li>• Addition of a section on persistent complaints.</li></ul>
January 2024	<ul style="list-style-type: none"><li>• Addition of an aims section.</li><li>• Addition of a section on the legislative background</li><li>• Emphasis on complainant explaining why their complaint hasn't been resolved satisfactorily when escalating the complaint to stage 2.</li><li>• Addition of the procedure for complaint hearings by governors.</li><li>• Addition of a short section on learning lessons</li></ul>

## 1. Aims

The federation 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:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure 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 process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

We will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Introduction

### Legislative background

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at any of the Federation schools. Any person, including members of the public, may make a complaint to Primary Advantage Federation about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. A list of the areas excluded from the scope of this procedure is set out below.

### **The difference between a concern and a complaint**

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

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

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the individual school Headteacher, or in the case of complaints regarding the Federation directly the Executive Principal, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the individual school Headteacher or in the case of complaints regarding the Federation directly the Executive Principal, will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

### **How to raise a concern or make a complaint**

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

Concerns should be raised with either the class teacher or Headteacher if relating to an individual school or any of the executive team in the case of Federation level concerns. 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 procedure.

Complaints against school staff (except the Headteacher) should either be made to the individual school Headteacher via the school office or to the federation central team via [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk) Federation level complaints should be made to the Executive Principal via the Federation central address or by email to [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk) Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Federation Executive Principal via the Federation central address or by email to [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk)

Complaints involving the Federation Executive Principal should be made to the Chair of Governors, via the Federation central address or by email to [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk) Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the Federation central address or by email to [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk) Please mark them as Private and Confidential.

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

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

### Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, Federation Executive Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### Timescales

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

### Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## 3. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Primary Advantage Federation other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Hackney Education.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection &amp; safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding via 0208 356 5500 (9-5 Monday to Friday) or 0208 356 2710 (Emergencies).</p> <p>See <a href="https://www.hackney.gov.uk/child-protection">https://www.hackney.gov.uk/child-protection</a> for more information.</p>

<ul style="list-style-type: none"> <li>Suspensions and permanent exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the Behaviour Policy can be made through the federation's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about the federation should complain through the federation's complaints procedure. You may also be able to complain direct to the local authority or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the federation's grievance policy.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff conduct will be dealt with under the federation's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="https://www.gov.uk/contact-dfe">https://www.gov.uk/contact-dfe</a></p>

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

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

#### 4. Complaints about our fulfilment of early years requirements

We will investigate all complaints we receive relating to the fulfilment of the Early Years Foundation Stage requirements at federation schools in line with this procedure. The federation will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing [CIE@ofsted.gov.uk](mailto:CIE@ofsted.gov.uk) An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 5. Resolving complaints

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

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

## 6. Withdrawal of a Complaint

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

## 7. Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher) or to the Federation central team via the school office if involving an individual school, or to the Federation Executive Principal if involving the Federation in general via the Federation central address or by email to [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk) This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher/Federation Executive Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Headteacher/Federation Executive Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher/Federation Executive Principal can consider whether a face-to-face meeting is the most appropriate way of doing this.

The Headteacher/Federation Executive Principal may delegate the investigation to another member of the school's/Federation's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher /Federation Executive Principal (or investigator) will:

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

At the conclusion of their investigation, the Headteacher/Federation Executive Principal will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher/Federation Executive Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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



The Headteacher/Federation Executive Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about an individual school Headteacher, the complaint will be referred to the Federation Executive Principal who will complete the actions at Stage 1.

If the complaint is about a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1. Complaints about a member of the governing body must be made to the Governance Manager via the federation central team.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the central governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## 8. Stage 2

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, explaining why they feel their complaint was not resolved satisfactorily at stage 1

Stage 2 is either a referral of the complaint to the Federation Executive Principal (Stage 2A) or in the case that the Federation Executive Principal has provided the outcome under Stage 1 or Stage 2A, a meeting with members of the Governing Body's appeals panel (Stage 2B), which will be formed of three impartial governors. This is the final stage of the complaints procedure if the complaint is being referred to the Governing Body appeals panel.

A request to escalate to Stage 2A must be made to the Federation Executive Principal via the Federation central address or by email to [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk) or in the case of a referral to the Governing Body (Stage 2B) to the Governance Manager, via the federation office. Referrals to Stage 2 must be made within 10 school days of receipt of the Stage 1 response.

The Federation Executive Principal or their representative will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this timeframe will only be considered if exceptional circumstances apply. The Federation Executive Principal/Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates or doesn't respond to contact, without good reason, the Federation Executive Principal/Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

## 9. Stage 2A

If the Stage 2 complaint is being heard by the Federation Executive Principal the meeting will be between the Federation Executive Principal and the two parties only.

The Federation Executive Principal will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to escalate the complaint to Stage 2B if they are still not happy with the outcome.

## 10. Stage 2B

If the Stage 2 complaint is being heard by Governors the appeals panel 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 act as the Chair of the appeals panel. If there are fewer than three governors from Primary Advantage Federation available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 2B.

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

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least three school days before the meeting.

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

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part

- dismiss the complaint in whole or in part.

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

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

The Chair of the Panel will provide the complainant and Primary Advantage Federation with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Primary Advantage Federation.

Stage 2B will be heard by a panel of independent, co-opted governors if the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

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

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

## 11. Next Steps

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

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

The complainant can refer their complaint to 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.

## 12. Learning lessons

If appropriate, the Executive Principal will review any underlying issues raised by complaints with the Headteacher to determine whether there are any improvements that a school can make to its procedures or practice to help prevent similar events in the future. The Chair of Governors will carry out a similar process with the Executive Principal for any issues affecting the federation as a whole.

## 13. Persistent complaints

### Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the federation's complaints procedure.
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive.
- Knowingly provides false information.
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure.
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out.
- Changes the basis of the complaint as the investigation goes on.
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the federation or an individual school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address.
- Limit the number of times the complainant can make contact, such as a fixed number per term.
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary.

### Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns.
- We have provided a clear statement of our position and their options.
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from one or more school sites.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete.
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

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

- Publishing a single response on a school website or the federation 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.

## 14. Appendix 1 Complaint Form

Please complete and return to the Federation Governance Manager via [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk) or C/O Holy Trinity Primary School, Beechwood Road, Hackney E8 3DY. They will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:



## 15. Appendix 2 Roles and Responsibilities

### Complainant

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

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

### Investigator

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

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

The investigator should:

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

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

### Complaints Co-ordinator (this will usually be the Federation Governance Manager)

The complaints co-ordinator should:

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

### Clerk to the Governing Body

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

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act

2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

### **Panel Chair**

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- 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 any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Panel Member**

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

- The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

## 16. Appendix 3 Primary Advantage complaints hearing procedure

This document sets out the process that will take place during complaint hearings. For further information about the complaints process, please see Primary Advantage's Complaints Policy. This is available online or on request to [governors@primaryadvantage.hackney.sch.uk](mailto:governors@primaryadvantage.hackney.sch.uk)

### Before the meeting

Papers will be circulated to all parties in accordance with the complaints procedure, which is two school days before the meeting, excluding the meeting date and the circulation date.

Irrespective of whether the meeting is in person or held remotely, the complainant and the school will be admitted simultaneously after the panel have arrived.

### During the hearing

The steps are as follows:

1. The parties will be admitted by the person managing the meeting.
2. The chair will invite everyone to introduce themselves.
3. The chair or the person managing the meeting will explain the procedure for the meeting.
4. The complainant or their representative presents their case, including calling any witnesses.
5. The school and the panel can question each witness after they have finished speaking.
6. At the end of the complainant's case, the school and the panel can question the complainant or their representative.
7. The school presents its case, including calling any witnesses.
8. The complainant or their representative and the panel can question each witness after they have finished speaking.
9. At the end of the school's case, the complainant or their representative and the panel can question the school.
10. The school sums up its case.
11. The complainant or their representative sums up their case, including the remedy they would like.
12. The chair thanks both parties for attending. They will explain that both parties will be sent a letter within five school days explaining the panel's decision and their reasons for it.
13. Everyone other than the panel and the person managing the meeting will leave the meeting.
14. The panel will make their decision. The person managing the meeting will draft a letter that will either be agreed by the panel collectively before they leave the meeting or later via email.

There is no time limit for any statements or questioning. However, the chair may ask parties to bring their statements to a conclusion if there is no new information being presented.

### The panel's powers:

The panel will consider the complaint and all the evidence presented. The panel can:

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

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

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

Policy written:	February 2019
Amended/Updated:	February 2024
Adopted by CGB:	February 2024
Review date	February 2027

The Central Governing Board have reviewed this policy with careful consideration of our approach to equalities as outlined in the Equalities Policy, February 2024.

We would like to acknowledge the work of other colleagues in drafting this policy. We have drawn on a range of sources including policies from other schools, good practice guides, published schemes and LA and Statutory guidelines where appropriate.

