



Complaints Procedure	
Committee	Finance, Premises and Staffing
Author	Camden Schools Services
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The FCJ Schools' Vision

Our vision is that FCJ schools are communities of personal and academic excellence.

Strong in companionship, the unique giftedness of every person in these faith communities is recognised, nourished and celebrated.

Our hope and expectation is that, through God's grace working in us all, each young person grows into their best self, with zest for life and the generosity and confidence to use their talents and gifts in the service of others.



Complaints Procedure

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to [Maria Fidelis Catholic School FCJ](#) 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. Individuals who are not parents or carers of children that are registered at the school should address their complaints directly to the Headmaster.

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. [Maria Fidelis Catholic School FCJ](#) 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 Headmaster](#) will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, [the Headmaster](#) 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, [Maria Fidelis Catholic School FCJ](#) 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 the Headmaster. We will generally respond within 15 school days. Should the concern be of sufficient seriousness or be unlikely to be resolved informally, the Headmaster may respond under Stage 1 of this procedure. We resolve most concerns informally but 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 Headmaster) should be made in the first instance, to [the Headmaster](#) via the school office. Please mark them as Private and Confidential.

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

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

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like 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 Headmaster or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

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 time frame 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.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by [Maria Fidelis Catholic School FCJ](#), 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"> Admissions to schools 	Admissions to schools are covered by the Admissions Appeals Code.
<ul style="list-style-type: none"> Statutory assessments of Special Educational Needs School re-organisation proposals 	Concerns about statutory assessments of Special Educational Needs with the London Borough of Camden or your home borough as appropriate. Concerns about school re-organisation proposals should be raised with the London Borough of Camden.
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Camden Duty LADO can be contacted by calling 020 7974 3317 or LBCMASHadmin@camden.gov.uk
<ul style="list-style-type: none"> Exclusion of children from school* 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. <link to school behaviour policy>.</i>
<ul style="list-style-type: none"> Whistleblowing 	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> Staff conduct 	Complaints about staff will be dealt with under the

	<p>school's internal disciplinary procedures, if appropriate.</p> <p>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"> Complaints about services provided by other providers using school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly. This does not apply to extra-curricular provision arranged and offered by the school, but delivered by an external provider.</p>
<ul style="list-style-type: none"> National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</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 [Maria Fidelis Catholic School FCJ](#) in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, [Maria Fidelis Catholic School FCJ](#) wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

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

Withdrawal of a Complaint

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

Stage 1

Formal complaints must be made to the Headmaster (unless they are about the Headmaster), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

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

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

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

During the investigation, the Headmaster (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 Headmaster will provide a formal written response within **twenty** school days of the date of receipt of the complaint.

If the Headmaster 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 will **Maria Fidelis Catholic School FCJ** take to resolve the complaint.

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

The aim of our complaints procedure is to reach a resolution for all parties. If, at the conclusion of Stage 1, the complainant remains unsatisfied and wishes to progress to Stage 2, the Chair will consider whether it would be appropriate for the actions in Stage 1 to be repeated by a suitably skilled governor prior to the commencement of Stage 2.

Where such a decision is taken, it will ensure either that the complaint can be resolved prior to a Stage 2 hearing or that the Stage 2 hearing has a wider evidence base, with any concerns regarding the school fully reviewed in advance.

If the complaint is about the Headmaster, or 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. If the complaint is about a governor or Headmaster, the investigator should consider their wellbeing when planning their investigation. This should include offering to have a friend attend the meeting with them and that they can discuss this with their union. You could also offer access to Employee Assistance or through Camden Learning or to a service such as Independent Governor Support to independent advice if needed.

Complaints about the Headmaster or 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 or

- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body, with the support of the London Borough of Camden or at the conclusion of their investigation, the independent investigator will provide a formal written response.

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 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within **ten** school days of receipt of the Stage 1 response.

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

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **twenty** 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, without good reason, the Committee will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from **<School Name>** available, the Clerk will source any additional, independent governors through another local school insert name(s) of schools if an agreement is in place or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee 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 committee 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.

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

Representatives from the media are not permitted to attend.

At least **eight** 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 committee at least **five** school days before the meeting.

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

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

The Chair of the Committee will provide the complainant and [Maria Fidelis Catholic School FCJ](#) with a full explanation of their decision and the reason(s) for it, in writing, within **fifteen** 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 [Maria Fidelis Catholic School FCJ](#).

If the complaint is:

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

Stage 2 will be heard by a committee of independent, co-opted governors.

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 [Maria Fidelis Catholic School FCJ](#) will take to resolve the complaint.

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

Next Steps

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by [Maria Fidelis Catholic School FCJ](#). They will consider whether [Maria Fidelis Catholic School FCJ](#) has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Policy for managing serial and unreasonable complaints

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

Maria Fidelis Catholic School FCJ defines unreasonable behaviour as that which hinders our 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 investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

An unreasonably persistent and/or vexatious complaint may be one where:

- There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
- There are no specified grounds for the complaint despite offers of assistance
- The complaint has about issues not within the power of the school to investigate, change or influence (examples could be a complaint about another parent, or something that is the responsibility of another organisation) and where the complainant refuses to accept this
- The complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Head Teacher or Chair of Governors)
- There appear to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced
- There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
- Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- The complainant denies statements he or she made at an earlier stage in the complaint process
- The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved
- The complaint is the subject of an excessively "scattergun" approach; for instance the complaint is not only submitted to the school, but at the same time to the Local Authority, other schools, the police, solicitors, and/or the Local Government Ombudsman
- The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given

- The same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- The complaint is submitted and persistently pursued through different school departments or staff at the same time
- The complaint remains "active" through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- Documented evidence is not accepted as factual by the complainant
- The complaint relates to an issue based on a historic and irreversible decision or incident

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

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

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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Maria Fidelis Catholic School FCJ

Imposing restrictions

- We will ensure that the complaint is being, or has been, investigated properly according to the complaints procedure.
- In the first instance the member of staff investigating the complaint will consult with their line manager prior to issuing a warning to the complainant. The member of staff will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The line manager will explain the actions that the school may take if the behaviour does not change.
- If the disruptive behaviour continues, the Head Teacher will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the school in future will be restricted. The Head Teacher will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent

letter. The Head Teacher can consult with the line manager or member of the school's legal advisory team if they so wish.

- Any restriction that is imposed on the complainant's contact with the school will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor acting on their behalf
- Banning the complainant from sending emails to individual and/or all school staff members and insisting they only correspond by letter
- Banning the complainant from accessing any school building except by appointment
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that the school will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)
- Informing the complainant that any further complaints from him or her will only be considered if the Head Teacher agrees that it warrants investigation

When the decision has been taken to apply this policy to a complainant, the Head Teacher will contact the complainant in writing to explain:

- Why the school has taken the decision
- What action the school is taking
- The duration of that action
- The review process of this policy
- The right of the complainant to contact the Local Authority about the fact that their complaint has been treated as a vexatious/persistent

The Head Teacher will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the Head Teacher may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the school will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the school may not give the complainant prior warning of that action.

New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent

New complaints from people who have previously made vexatious complaints will be treated on their merits. The Head Teacher will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The school does not support a "blanket policy" of ignoring genuine service requests or complaints where they are founded.

Record keeping

Adequate records will be retained by the appropriate line manager of the details of the case and the action that has been taken. In addition, a central record will be maintained by the Headmaster's PA setting out:

- The name and address of each complainant who is treated as abusive, vexatious or persistent
- When the restriction comes into force and ends
- What the restrictions are
- When the complainant was advised

Appendix 1 - Complaint Form

Please complete and return to swestonpeters@mariafidelis.camden.sch.uk (Headmaster's PA) who will acknowledge receipt and explain what action will be taken.

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

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 2 - Roles and Responsibilities

Complainant

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

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

Investigator

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - 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 Headmaster or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headmaster or complaints committee 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 could be the Headmaster / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

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

Clerk to the Governing Body

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

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

Committee Chair

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

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

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

Committee Member

Committee members should be aware that:

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

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

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

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

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

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

- the welfare of the child/young person is paramount

APPENDIX 3

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

When should a complaints panel be convened?

A committee will be convened if a complainant makes an appeal against a decision made by the head teacher at Stage 2 of the school's complaints procedure.

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

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

Who should attend?

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

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

The meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that their complaint has at least been taken seriously.

The panel will take into account that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. The Chair will therefore ensure that the proceedings are as informal as possible.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

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

The process

Any party have the right to call witnesses if applicable (subject to the approval of the Chair) and all parties have the right to question all the witnesses. However, **witnesses are only required to attend for the part of the hearing for which they give their evidence.**

Whilst **the panel may ask clarifying questions of either party at any point**, the process of the complaint panel is as follows:-

- a. Welcome and introductions from the Chair
- b. The Chair explains the purpose of the meeting, the procedure and that all written evidence has been made available to all parties
- c. Complainant is invited to explain their complaint, followed by any witnesses they wish to call. Witnesses should only attend that part of the meeting concerning themselves
- d. The head teacher and/or the Governor (henceforth Investigator) who carried out the Stage 1 Investigation may then question both the complainant and the witnesses.
- e. The panel may then question both the complainant and the witnesses
- f. Investigator is invited to explain the school's actions, including those taken to address the complaint at Stage 1 of the procedure, followed by any witnesses for the school.
- g. The complainant may question both the Investigator and any witnesses the school wishes to call. At the conclusion of their evidence, each
- h. Any remaining witnesses to leave
- i. The head teacher is invited to make a final statement, briefly summing up their position. New evidence should not be introduced at this point.
- j. The complainant is invited to make a final statement, briefly summing up their position. New evidence should not be introduced at this point.
- k. The Chair of the Panel explains to the complainant and head teacher that the panel will now consider its decision, and that a written decision will be sent to both parties within 15 school days
- l. The complainant and the head teacher leave together
- m. Panel deliberations and decisions

6.7 The decision

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

- Reach a unanimous, or at least a majority, decision on the complaint
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

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

6.7.3 Generally this would be the end of the governing body's involvement in the complaint process. However, the governing body might also consider an appeal if a complainant is able to demonstrate that new information or evidence has come to light which was

not available at the time of the original complaint and which might significantly affect the findings of the complaints panel.

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

6.8 Summary of complaint panel timescales

6.8.1 A summation of the timescales in a Governors' Complaints Panel is as follows:

- i. Written acknowledgement of the Stage 2 request sent within 3 school days of the complaint receipt date
- ii. The written acknowledgement should inform the complainant that the complaint is to be heard by / within 20 school days of the complaint receipt date
- iii. Once known, the Chair will then write and inform relevant parties of the date, time and place of the meeting and this should be done at least 5 school days in advance of the panel date
- iv. Any relevant and / or additional documents for consideration at the panel, including the head teacher's report, should be received by all concerned – including the complainant – 5 school days prior to the meeting
- v. The panel Chair will send a written decision to both head teacher and complainant within 15 school days of the panel date