

# FRIARS PRIMARY (FOUNDATION) SCHOOL

## Complaints Policy

Agreed Policy



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## Contents

1. Definitions and aims .....	3
1.1 Definitions .....	3
1.2 Aims .....	3
2. Legislation and guidance .....	3
3. Scope .....	4
4. Roles and responsibilities .....	4
4.1 The complainant .....	4
4.2 The investigator .....	4
4.3 The complaints co-ordinator .....	4
4.4 The clerk to the governing body .....	5
4.5 The panel chair .....	5
4.6 Panel members .....	6
5. The difference between a concern and a complaint .....	6
6. How to raise a concern or make a complaint .....	6
6.1 Who can make a complaint .....	6
6.2 Who to contact .....	7
6.3 Anonymous complaints .....	7
6.4 Complaint campaigns .....	7
6.5 Timescales .....	7
6.6 Complaints received outside term time .....	8
6.7 Resolving complaints .....	8
6.8 Withdrawal of a complaint .....	8
7. Complaints not against the headteacher or governors .....	8
7.1 Stage 1: formal .....	8
7.2 Stage 2: review panel .....	9
8. Complaints against the headteacher, a governor or the governing board .....	10
8.1 Stage 1: formal .....	10
8.2 Stage 2: review panel .....	11
9. Complaint form .....	12
10. Unreasonable and persistent complaints .....	13
10.1 Policy for managing serial and unreasonable complaints .....	13
10.2 Steps we will take .....	13
10.3 Serial/persistent complaints .....	14
10.4 Duplicate complaints .....	14
11. Record keeping and confidentiality .....	15
12. Learning lessons .....	15
13. Monitoring arrangements .....	15

# 1. Definitions and aims

## 1.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression or statement of dissatisfaction, however made, about actions taken or a lack of action”

In most cases, a concern can be resolved through informal means. A complaint will follow formal procedures.

## 1.2 Aims

Friars Primary Foundation School (the school) aims to meet its statutory obligations when responding to complaints from parents/carers 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 and we request that complainants keep their complaints confidential
- Treat complainants with respect and courtesy and we expect them to be respectful and courteous in return during meetings, phone calls, and in emails and letters
- 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 at appropriate stages

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure that the existence of this policy is publicised and made 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.

We resolve concerns by informal means wherever possible. This is the best approach to ensure that all parties are treated with compassion and respect, which are fundamental to our core values. Where this is not possible, the formal complaint procedures will be followed.

The aim of the procedure at each stage is to bring about a resolution and/or reconciliation as informally and quickly as possible. It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken.

# 2. Legislation and guidance

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. It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedures for complaints and for managing serial and unreasonable complaints.

### **3. Scope**

This policy does not cover complaint procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Matters likely to require a child protection investigation
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- School re-organisation proposals
- National Curriculum content
- Collective worship

Please see our separate policies for procedures relating to these types of complaints.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### **4. Roles and responsibilities**

#### **4.1 The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

#### **4.2 The investigator**

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence, and keep these securely

#### **4.3 The complaints co-ordinator**

The complaints co-ordinator can be:

- The headteacher
- The designated complaints governor
- Any other staff member providing administrative support
- The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority (LA)
- Be aware of issues relating to:
  - Sharing third-party information
  - Additional support needs of complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

#### **4.4 The 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 under any 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 with an agreed timescale
- record the proceedings
- circulate minutes of the meeting
- notify all parties of the panel's decision

#### **4.5 The 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.
- 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 individuals right 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 to the meeting
- Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions head 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 coordinator

## **4.6 Panel members**

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 committee if they have 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 where a child is present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that any child does not feel intimidated. The panel should respect the views of the child and give them equal consideration to those of the adults.
- Where the child's parent is the complainant, the panel should give the parent the opportunity to give their view on which parts of the meeting (if any) the child needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the panel considers is not in the child's best interests.
- The welfare of the child is paramount.

## **5. 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 opportunity. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The school 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, the headteacher or a member of the leadership team will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher or member of the leadership team will refer you to another staff member or deal with the concern themselves.

Concerns should be raised with either the class teacher, a member of the senior leadership team or the headteacher. If the issue remains unresolved, the next step is to make a formal complaint. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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

### **6.1 Who can make a complaint**

This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them.

Any member of the public may make a complaint to the school about any provision of facilities or services that the school provides.

If children who attend the school have a complaint. In that case, the school will use procedures drawn up from the Common Principles for a Child Friendly Complaints Process outlined by the Children's Commissioner.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

## **6.2 Who to contact**

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

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 during the actual procedure.

Complaints against school staff (except the headteacher) should be made in the first instance to the headteacher via the school office using the following email address:

[complaints@friars.southwark.sch.uk](mailto:complaints@friars.southwark.sch.uk)

Please mark them as 'private and confidential.'

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors via the school office. Please mark them as 'private and confidential.' A suitably skilled and impartial governor will investigate this,

Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to [Odunola.Ajibola@southwark.gov.uk](mailto:Odunola.Ajibola@southwark.gov.uk) (the clerk to the governing body). Please mark them as 'private and confidential.' This will be investigated by an independent investigator (advice may be sought from the Local Authority).

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 such as 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.

## **6.3 Anonymous complaints**

The school will not normally investigate anonymous complaints. However, the headteacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

## **6.4 Complaint campaigns**

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school. In that case, we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

## **6.5 Timescales**

Complainants must raise the complaint within 3 months of the incident, or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. We may consider complaints made outside this time frame if exceptional circumstances apply. Where exceptional circumstances do not apply, we expect complainants to respect the timelines set out in this policy.

## **6.6 Complaints received outside term time**

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

If other bodies are investigating aspects of the complaint, for example, the police, local authority (LA) safeguarding teams, or tribunals. In that case, this may impact 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 the school in relation to their complaint we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## **6.7 Resolving complaints**

At each stage in the procedure, the school 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.

## **6.8 Withdrawal of a complaint**

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

# **7. Complaints not against the headteacher or governors**

## **7.1 Stage 1: formal**

### **Step 1:**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing or by email (preferably on the complaint form) using the [complaints@friars.southwark.sch.uk](mailto:complaints@friars.southwark.sch.uk) email address, or by telephone.

### **Step 2:**

The headteacher 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 will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

### **Step 3:**

The headteacher (or designated member of the senior leadership team) may call a meeting to clarify the complaint and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.



#### **Step 4:**

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days. If the headteacher or other investigator 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 the school will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage one.

## **7.2 Stage 2: review panel**

### **Escalation to Stage 2**

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 10 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone

The clerk will need the details of the complaint as set out above, as well as more information from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within 5 school days.

### **Convening the panel**

The review panel consists of the first 3 members of the governing board available who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from among themselves.

If not enough impartial governors are available, we will seek panel members from other schools or the local authority. We will ensure that the governors we source are suitably skilled and can demonstrate independence and impartiality.

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of the request, where possible.

The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint for inclusion. New complaints must be dealt with at stage one of the procedure.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The panel chair will ensure that the hearing is properly minuted.

### **At the meeting**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but we will consider

it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union. Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

### **The outcome**

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.

The panel chair will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way the school has handled their complaint.

## **8. Complaints against the headteacher, a governor or the governing board**

### **8.1 Stage 1: formal**

Complaints that involve or are about the headteacher should be addressed to the chair of governors, via the school office, and marked as private and confidential.

Complaints about the chair of governors, any individual governor or the whole governing board should be addressed to the clerk to the governing board via the school office, marked as private and confidential.

If the complaint is about the headteacher or 1 member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 7 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

An independent investigator will carry out the steps in stage 1 (set out in section 7.1 above).

### **How to escalate a complaint**

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 10 school days. Requests received outside of this timeframe will only be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what

they feel would resolve the complaint. The clerk will acknowledge receipt of the request within 5 school days.

## **8.2 Stage 2: review panel**

If the complaint is about the headteacher or 1 member of the governing board (including the chair or vice-chair), a committee of members of the governing board will hear the complaint. They will carry out the steps at stage 2 (set out in section 7.2 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

A committee of independent governors will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps at stage 2 (set out in section 7.2 above).

### **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. In that case, they can contact the Department for Education after they have completed stage 2.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the DfE 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

## 9. Complaint form

Please complete and return to either [headteacher/clerk/complaints coordinator/designated governor school to delete as appropriate] 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: Daytime/evenings telephone numbers:
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 whom:
Complaint referred to:
Date:

## 10. Unreasonable and persistent complaints

### 10.1 Policy for managing serial and unreasonable complaints

We are 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. We will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening, or vexatious.

The school 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 cooperate 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 that are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information that 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 and/or
- publishes unacceptable information on social media or other public forums.

**Please note:** the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

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.

### 10.2 Steps we will take

We will take reasonable steps to address the complainant's comments 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.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school, causing a significant level of disruption, 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

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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

### **10.3 Serial/persistent complaints**

If the complainant contacts the school again on an issue that has been investigated and determined, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make, provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.

### **10.4 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. In that case, 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 that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised, which, in the view of the school, warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

## **11. Record keeping and confidentiality**

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 stored securely and will be viewed only by those involved in investigating the complaint or on the review panel (unless disclosure is required by law).

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy policies.

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.

## **12. Learning lessons**

The governing board will review any underlying issues raised by complaints with the headteacher 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.

## **13. Monitoring arrangements**

The governing board will monitor the effectiveness of the complaints procedure to ensure that complaints are handled correctly. The governing board will track the number and nature of complaints and review underlying issues as stated in section 11.

The complaints records are logged and managed by the headteacher or another delegated member of the leadership team.

This policy will be reviewed by the headteacher and governing board at least once every 2 years.

At each review, the policy will be approved by the full governing board and headteacher.