



# Princecroft

## PRIMARY SCHOOL

Incorporating The Hive Nursery

# Complaints Policy

Issue date	
Review date	June 2019
Date of next policy review	June 2022

*This policy is in line with the Single Equality Policy*

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## School Complaints Policy and Procedures

**This document should be read and understood with reference to the following documents:**

- Data Protection and Secure Data Handling Policy
- Education Act 2002 (Section 29)
- Behaviour Policy
- Child Protection Policy
- The Equality Act 2010
- Single Equality Policy
- Access to the School's premises
- [Best Practice Guidance for School Complaints Procedures \(January 2019\)](#)
- [Governors Handbook \(March 2019\)](#)
- [Understanding and Dealing with Issues Relating to Parental Responsibility \(DfE January 2018\)](#)

### **Principles:**

#### **Legal requirements**

Under Section 29 of the Education Act 2002, the Governing Body is required to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides for which there are no separate (statutory) procedures. The law also requires that the procedure is published. Our Complaints Policy is published on our school website and copies can also be obtained from the school office.

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

The school recognises 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 generally defined as *'an expression of dissatisfaction however made, about actions taken, or lack of action'*.

### **Aims:**

By having in place an effective complaints procedure we aim to:

- encourage resolution of problems by informal means wherever possible
- provide a clear and simple structure
- ensure impartiality
- be non-adversarial
- allow swift handling with established time-limits for actions and keep people informed of progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary, and
- provide information to the school's senior management team so that services can be improved.

**Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Anyone, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see section below), we will follow this complaints procedure.

### Scope of this Complaints Policy

The procedures outlined in this Complaints Policy cover all complaints about any provision of facilities or services the school provides with the exception of those listed below, for which there are separate (statutory) procedures and/or policies in place.

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 the Local Authority</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 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 for allegations (DOFA) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).  <b>MASH:</b> 0300 456 0108/Out of hours: 0845 6070 888  <b>DOFA:</b> 01225 713945</p>
<ul style="list-style-type: none"> <li>• 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>.  <i>*complaints about the application of the behaviour policy can be made through the school'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>.            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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school'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>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

- If other bodies are investigating aspects of the complaint, for example the police, Local Authority safeguarding teams or Tribunals, this may impact on our ability to adhere to the given timescales or may result in the procedure being suspended until those public bodies have completed their investigations.
- If the complainant commences legal action against the school 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.

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

- 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 procedures. The school takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- Concerns should be raised with either the class teacher or head teacher (or in their absence, the deputy head teacher). If the issue remains unresolved, the next step is to make a formal complaint.
- We understand however that there are occasions when people would like to raise their concerns formally. In such cases, the school will attempt to resolve the issue internally, through the procedures outlined within this Complaints Policy and its appendices.
- A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so, which the school must have evidence of.

### Raising a formal complaint

- Complaints against school staff (except the head teacher) should be made always in writing, in the first instance to the head teacher via the school office. Please mark them as 'Private and confidential'.
- Complaints that involve or are about the head teacher 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, the majority or the whole of the governing body should be addressed to the 'Clerk to the Governing Body' via the school office. Please mark them as 'Private and confidential'.
- Complainants should not approach individual governors to raise concerns or complaints as they have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of this procedure.
- In order to assist you, we have provided a standard complaint's form (Appendix 5) and would recommend that this be used whenever possible. The form can either be downloaded from our website or as a hard copy from the school office. If you require help in completing the form, please contact the school office. You can also ask a third party organisation 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 complaint or holding meetings in accessible locations.

### **Anonymous complaints**

- We will not normally investigate anonymous complaints. However, the head teacher 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 if exceptional circumstances apply.
- Complaints need to be considered, and resolved, as quickly and efficiently as possible and realistic time limits will be set for each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

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

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

### **Duplicate complaints:**

- Once the complaints procedure has been completed and the complaint closed, we will not reconsider the same complaint, when it is made by another individual who may be connected (e.g. spouse, partner, relative, child), unless there are any new aspects related to the complaint that were not previously considered.
- In cases of duplicate complaints, the complainant will be advised to contact the Department for Education as outlined below if they wish to question the school's procedures.

### **Complaint Campaigns**

- There may be occasions when a large number of individuals take the decision to complain to the school about the same issue. These may be people connected with the school (parents/carers) and/or members of the public unconnected with the school.
- In such circumstances, all complainants must follow the same procedures when raising their complaint, as outlined in this policy, preferably using the school's complaint form (Appendix 5).
- In such circumstances, the school will follow exactly the procedures as outlined in stages 1 and 2 of this policy (detailed below), however complainants should note the following:
  - the school will not be able to send individualised responses but will treat all complainants as one and therefore send out the same reply to each complainant in response to the complaint
  - where the decision is made that a meeting between the appropriate representatives of the school and complainants is required, the school will offer 2 alternative days for a meeting, to which all complainants will be invited. The meeting will then be held on the date on which the majority of

complainants are available to attend. Only one meeting date/time will be held.

- As is the case with individual complaints, complainants have the same rights to escalate the complaint to stage 2 should they be dissatisfied with the outcome. They will however continue to be treated as one body.

### **Resolving complaints**

At each stage in the procedure we wish 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 happen again
- 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 wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Stages**

#### **Stage 1**

- All formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person, in writing (preferably on the school's complaint form), or by telephone. If the complaint is about the head teacher a suitably skilled governor will be appointed to complete all the actions at Stage 1.
- The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.
- Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this. (Note: The head teacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.)
- During the investigation, the head teacher (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 head teacher will provide a formal written response within 10 school days of the date of receipt of the complaint.
- If the head teacher 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 that will be taken to resolve the complaint.

- The head teacher will also advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
- Where the complaint is:
  - jointly about the Chair and/or Vice Chair
  - 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. 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 in writing, via the school office, within 3 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 2 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 10 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 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.
  - 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 the school's governing body 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 committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2. The school follows the guidance provided by the DfE in the sourcing of any additional independent governors as required.
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- 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 7 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 4 school days before the meeting.
- Any written material will be circulated to all parties at least 3 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, and 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 the school with a full explanation of their decision and the reason(s) for it, in writing, within 3 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 the school.
- If the complaint is:
  - jointly about the Chair and Vice Chair or
  - the entire governing body or
  - the majority of the governing bodyStage 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 that will take to resolve the complaint.
- The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied, as outlined below (Final Appeal Process).



### **Recording meetings**

- A written record (the 'minutes') will be made of all meetings by a member of staff, the clerk to the governors or another person appointed at the beginning of the meeting. The minutes will be circulated to all those who attended the meeting and any external agencies as agreed. On receipt of those minutes, complainants must raise any queries which they might have over the contents.
- Where there are communication difficulties, it may be acceptable to use recording devices to ensure that the complainant is able to access and review the discussions at a later point. However, all parties should agree in advance to being recorded. This will only happen if it is viewed as a 'reasonable adjustment' under the requirements of equality legislation.
- Complainants will not be able to make their own independent recording of meetings without the express agreement of everyone present.

### **Retention of records regarding the complaint**

- In order to ensure that all parties understand the process and outcome of any complaint, the school will keep records of all correspondence relating to the complaint, including any interviews that are carried out, telephone conversations held and minutes of meetings taken during the process of the investigation, together with any correspondence both from and to the complainant and other external bodies as necessary.
- Any records kept or data relating to the complaint will be stored securely and separately from the pupil's records and, once it has been decided that the records can be destroyed this will be done through secure means.
- As the 'data controller', and in line with the Data Protection Act 2018 and General Data Protection Regulations, we will only keep records for as long as necessary (except where statutory legislation dictates the length of time) in compliance with our duties under current legislation. As a general rule, records relating to complaints will be kept for 3 years from the date of complaint. After that time, the situation will be reviewed and, unless there is good reason not to ie relating to a Child Protection issue, they will be securely destroyed.

### **Transferring data**

- There may be occasions where complaints are being made or continue to be escalated after a pupil has left the school. When a pupil transfers to another school, their educational records and pupil file goes with them (as is legally required) but any records pertaining to the complaint will be kept separately and securely and will be retained only for as long as necessary. Thereafter they will be securely destroyed.

### **Final Appeal Process**

- If, after the complaint has been escalated to stage 2 and that stage completed, the complainant is still dissatisfied with the outcome, they can contact the Department of Education. However, this can only be done if the complainant believes that their complaint **was not handled** in accordance with the procedures set out in this policy, but not if they are simply unhappy with the conclusions reached and action taken.
- The Department of Education will not normally reinvestigate the substance of complaints nor overturn the decisions that have been made. They will only consider whether we have adhered to education legislation and any statutory policies that are connected with the complaint.
- If the complainant believes this to be the case, they can refer 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.

### **Unreasonable, Serial and Persistent Complaints**

- The school defines 'unreasonable complaints as *'those who, because of the frequency and nature of their contacts with the school, hinder our consideration of their or other peoples' complaints.*
- If properly followed, this policy should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.
- If the complainant contacts the school again on the same issue, then the correspondence may be recognised as serious or persistent and there will be no obligation on the part of the school to respond.
- It is important to note that should a complainant raise an entirely new and separate complaint, it must be responded to in accordance with the complaint's procedure as it is not the complainant that is vexatious; it is the correspondence.
- The school's procedures for responding to and dealing with 'Unreasonable, serial or persistent complainants' is outlined in Appendix 2.

### **Governing Body Review**

- The GB will monitor the level and nature of complaints through their regular meetings. The head teacher and chair will review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Where complaints information is shared with the whole governing body, individuals will not be named.
- As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

### **Publicising the Procedure**

As a school we are legally required to publicise our Complaints Policy and copies can be found on our school web site and/or obtainable from the school office.

### **Review of Policy**

This policy will be reviewed every **3** years by a committee of the Governing Body, or earlier if a change in legislation or guidance necessitates it.

**APPENDICES:** Available from the School Office

<b>Appendix 1</b>	<a href="#">Best practice guidance for school complaints procedures (DfE January 2019)</a>
<b>Appendix 2</b>	The school's procedures for responding to and dealing with 'Unreasonable, Serial or Persistent Complainants'
<b>Appendix 3</b>	Roles and Responsibilities
<b>Appendix 4</b>	<a href="#">How to complain about a school</a> (DfE Advice for complainants)
<b>Appendix 5</b>	Complaints form