South Park Primary School
Complaints Policy

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Note: Please be aware that any printed copies of this document may not be the most recent version.

Version Control			
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Introduction

This policy has been prepared in accordance with the DfE Best Practice Guidance for School Complaints Procedures. All maintained schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

Schools should ensure that their complaints procedure is readily accessible, for example published on a school website with a timescale for review. The policy should be approved by the Governing Body.

1. Points for consideration when using this procedure

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

1.2 A complaint is 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

1.3 It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. However, there will be occasions when complainants want to raise their concerns formally. In those cases, the complaints procedure should be followed.

1.4 The procedure outlined in section 2 is not for complaints from staff about matters relating to their duties or employment at the school, or for staff grievances, or for complaints they may have about parents or carers. Those issues should be dealt with through the school's staffing procedures and policies.

1.5 This complaints procedure is intended to be used by those persons who have a complaint relating to the school and no other alternative process exists for addressing that complaint.

1.6 The school must not limit complaints to parents or carers of children that are registered at the school. Anyone can make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

- Parents or carers of children no longer at the school

- Members of the public

1.7 Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined below in section 2 will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:

- Admissions to schools
- School re-organisation proposals
- Statutory assessments of special educational needs
- Matters likely to require a child protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievances
- Staff conduction complaints
- Complaints about services provided by other providers who may use school premises or facilities
- Complaints about the **content** of the national curriculum – such complaints should be made to the Department for Education. (NB: Complaints about the **delivery** of the curriculum are for schools to resolve through their complaints procedure.)

1.8 In accordance with administrative law principles, complainants should be given the opportunity to complete the complaints procedure in full, unless the school possesses clear evidence that the complaint meets the serial complaint criteria. If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond.

1.9 A complaint may be made:

- In person, by telephone or in writing
- By a third party acting on behalf of the complainant.

The school will make sure that it has received written consent from the complainant before disclosing information to a third party.

1.10 The school will keep a record of all complaints made and the actions taken. The records will be kept securely and encrypted where appropriate. Whether there are communication difficulties, the school may use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded.

1.11 Where English may not be the first language for some complainants, we will take appropriate measures to accommodate their needs, such as allowing a friend or family member to act as an interpreter during meetings and/or providing translated documents.

1.12 Staff members interviewed during a complaint investigation have the right to be accompanied by a colleague or a representative from a recognised union or professional association.

1.13 Complainants are not allowed to record meetings, unless for the purpose of a reasonable adjustment. If doing so, they must make sure they obtain informed consent from all parties present before recording conversations or meetings.

1.14 Governing bodies should note that complainants have a right of the copies or records under FOI and the Data Protection Acts.

1.15 Governors should not attempt to deal with complaints outside of this procedure. Any governor who is approached by a complainant wishing to complain about the school should direct the complainant to the head teacher. There will be some instances, for example when the complaint is about the head teacher, where it would be appropriate for the complainant to be advised to write to the Chair of Governors instead of the head teacher.

1.16 The power to investigate school complaints rests with the school. The main exceptions to this are child protection and health and safety where the local authority does have the powers to investigate and intervene. Therefore, in the majority of cases any complainant who approaches the local authority (except in such cases as specified above) will be referred back to the head teacher or the chair of the governing body.

1.17 It is important that all concerns are taken seriously. Children learn best when there is an effective partnership between the school and the parent(s)/carer(s). All members of the school community are entitled to have their points of view properly considered and heard.

1.18 It is very important that all complaints are dealt with as swiftly and as fairly as possible. Failure to address complaints promptly frequently results in greater dissatisfaction. However, complaints and concerns relating to issues, which occurred more than three months before will generally be ruled "out of time".

1.19 If reasonable attempts have been made to accommodate complainants with dates for complaint meetings and they refuse or unable to attend, the school can:

- Convene meetings in their absence
- Reach a conclusion in the interests of drawing the complaint to a close.

1.20 Head teachers or governors should not investigate (or in the case of governors be a member of the review panel) when a complaint is about their own actions.

1.21 Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings They should provide evidence of bias in support of their request. If the appearance of bias is sufficient to taint the decision reached, then the school should grant such requests.

2. Complaints procedure for use in schools

Stage one – Local resolution of the problem (the informal stage)

2.1 In the vast majority of cases a problem can and should be resolved by contacting the class teacher/Head Teacher subject teacher or member of staff directly involved with the problem. This should not include support staff, support staff should direct parents/carers to their child's class teacher in the first instance. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

2.2 **Stage one** - Local resolution of the problem (the informal stage): In the vast majority of cases a problem can and should be resolved by speaking to the head teacher directly in an effort to resolve the problem or concern. The initial communication with the head teacher may be by letter, telephone conversation, in person or by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stage of this procedure.

2.3 When writing the initial letter to the Chair of Governors/ Head Teacher, the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

2.4 Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigating governor may feel it necessary to meet with the complainant. The investigating governor should produce notes of this interview.

- The Manager meeting with the employee at informal meetings should make a not of the meeting as it is informal at this stage and ideally should involve the line manager and employee, only.
- It is the responsibility of the line manager, or the hearing manager, to ensure arrangements for a note taker well in advance of any formal meeting. The notetaker must respect the confidentiality of any investigation.

Mediation

2.5 Mediation can:

- Provide a helpful mechanism for discussion when a concern is raised
- Help to rebuild the relationship between parties once all of the investigative stages of the complaint's procedure have been completed.

2.6 It should not be used as a substitute for an investigation during the formal stages of the complaint procedure. If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant should not be prevented from moving to the next investigate stage of the complaint's procedure.

Stage two – The Formal Stage

2.7 If the complainant is not satisfied with the response from the member of staff at stage 1 or if the complaint is of a serious nature, the complainant should be advised that the next stage is to put their complaint in writing to the head teacher. When writing to the head teacher the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

2.8 Where the head teacher is the subject of the complaint then latter sections of this procedure apply.

2.9 **Stage two** – The formal stage (where the complaint is about the actions of the head teacher): If the complainant is not satisfied with the response

from the head teacher at stage 1, they should be advised that the next stage is to put their complaint in writing to the Chair of Governors.

2.10 The head teacher/Chair of Governors will be responsible for carrying out an investigation or appointing another senior member of staff to carry out the investigation and report their findings to the head teacher who will then reach a conclusion based on the investigation.

2.11 The head teacher/ Chair of Governors should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the head teacher will write again to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The complainant should be advised if this is the case.

2.12 The person appointed as the Investigator should keep notes of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigator may feel it necessary to meet with the complainant first. It is good practice to supply interviewees with the notes and ask them to sign the notes for accuracy.

2.13 At the conclusion of the investigation, the investigator will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the head teacher.

2.14 Before the investigator interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association. Staff must be provided with a copy of their investigation meeting minutes.

2.15 Once satisfied that the investigation has been concluded and a decision on the complaint has been reached, the head teacher will notify the complainant in writing of the conclusion and decision made. The complainant will be informed of any action that will be taken as a result of the complaint except where this would be a breach confidentiality e.g. taking any formal action against individual members of staff which would remain confidential. This letter of notification of the outcome should generally be done no later than 20 school days as set out in paragraph 2.7 above. The head teacher may feel it appropriate to meet with the complainant to communicate the findings in person; in this event the decision should also be confirmed in writing.

2.16 The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld
- The complaint was substantiated in part and the part upheld and identified only is upheld
- There is insufficient evidence to reach a conclusion, so the complaint is inconclusive and not proven
- The complaint is not substantiated by the evidence and therefore not upheld.

2.17 In the outcome letter, the complainant will also be informed that if they are not satisfied with the outcome of the investigation, they may request that the Governors Complaints Review Panel review the process followed by the head teacher in handling the complaint.

2.18 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below.

2.19 This request must be made in writing to the clerk to the governing body within 10 school days of receiving the outcome from the head teacher/ chair of governors and must include a statement specifying reasons for the request for the review and any perceived failures arising from the outcome of the investigation.

Stage three – The Governors Review Panel (All complaints)

2.20 Review Panels are convened at the request of a complainant to review the school's decision to a complaint at stage 2. If the complaint has not been settled at the formal stage and the person making the complaint is not satisfied with the outcome or the way it was dealt with, they can ask for the process to be reviewed by the review panel.

2.21 The Review Panel's purpose, in each case, is to review (not to re-investigate) the original complaint and the school's response to it, including its investigation and the outcome. The Review Panel's role is not to undertake a re-investigation of the case, nor to extend its reference beyond the above matters.

2.22 The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation. The Panel is not permitted to do the following:

- To re-investigate the complaint

- To reach a definite view on a point of law
- To criticise the complainant for any "contributory negligence" that may have contributed to the difficulties
- To be an alternative to a disciplinary hearing, as far as staff are concerned
- To hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).

2.23 Any review of the process followed by the head teacher, chair of governors or the investigating governor shall be by a panel of at least three members of the governing body appointed to be the Review Panel.

2.24 The review will normally be conducted through a consideration of written evidence but any requests received to make an oral representation should be considered sympathetically.

2.25 The panel will consider the letter from the complainant and if needed request that the complainant submit in writing (within a reasonable timescale) any further information needed by them relating to their reasons for requesting a review and any perceived failures arising from the investigation process followed. The head teacher or investigating governor will be invited to make a written response to the complainant's submissions.

2.26 The decision maker should provide the panel with all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).

2.27 The panel should communicate its findings to the complainant, head teacher and chair of governors within 25 school days of receipt by the clerk of the complainant's letter requesting a review.

2.28 If the complainant is still not happy at this stage, they should be informed that they can appeal to the Department for Education on the following grounds:

- The governing body is acting or proposing to act unreasonably;
- The governing body has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

2.29 The governing body notes that the Department for Education has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so. The Department for Education (DfE)

expects that complainants will have completed local procedures before submitting their complaint.

2.30 The exceptions to this include when:

- Children are at risk of harm
- Children are missing education
- A complainant is being prevented from having their complaint progress through the published complaints procedure
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

Where the complaint is about the actions of a governor

2.31 Complaints against the chair of governors or any individual governors should be made to the clerk to the governing body. The clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing body (stage 1) and then a committee of members of the governing body (stage 2).

2.32 Complaints against the entire governing body or complaints involving the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint. This may involve sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2. The local authority may be approached in exceptional circumstances to hear the complaint at stage 2.

3. Dealing with unreasonable, serial or persistent complaints

3.1 This school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school will not normally limit the contact complainants have with the school. However, the school does 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.

3.2 This school defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

3.3 A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaint's procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

3.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

3.5 Complainants should limit the numbers of communications with a school while a 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 headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking against the complaint.

3.6 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, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

3.7 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from the school.

4. Complainants who behave in an unacceptable way

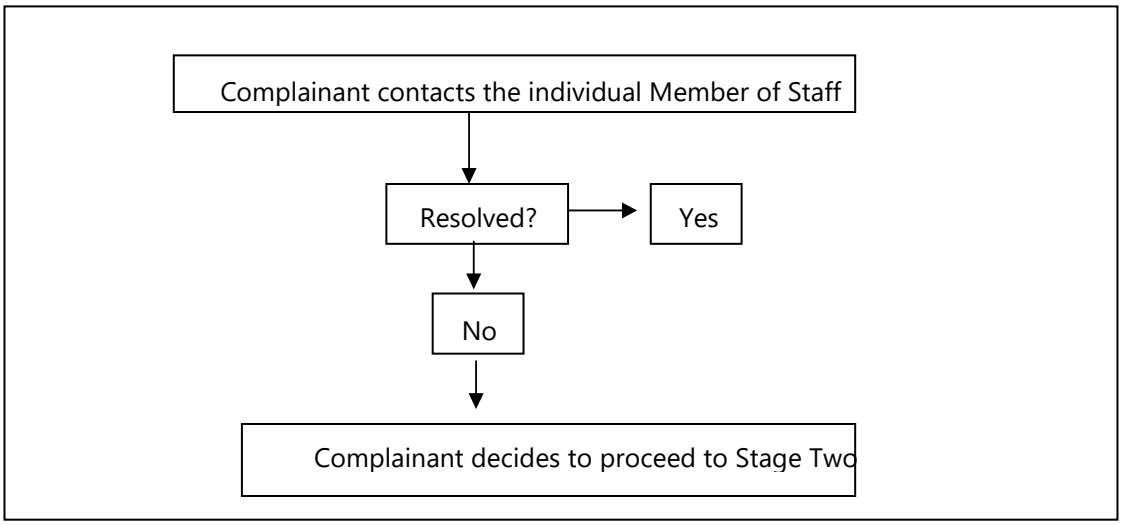
4.1 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

4.2 If a parent's/ carer's behaviour is a cause for concern, a school can ask them to leave school premises. In serious cases, the head teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent/ carer the opportunity to formally express their views on the decision to bar in writing.

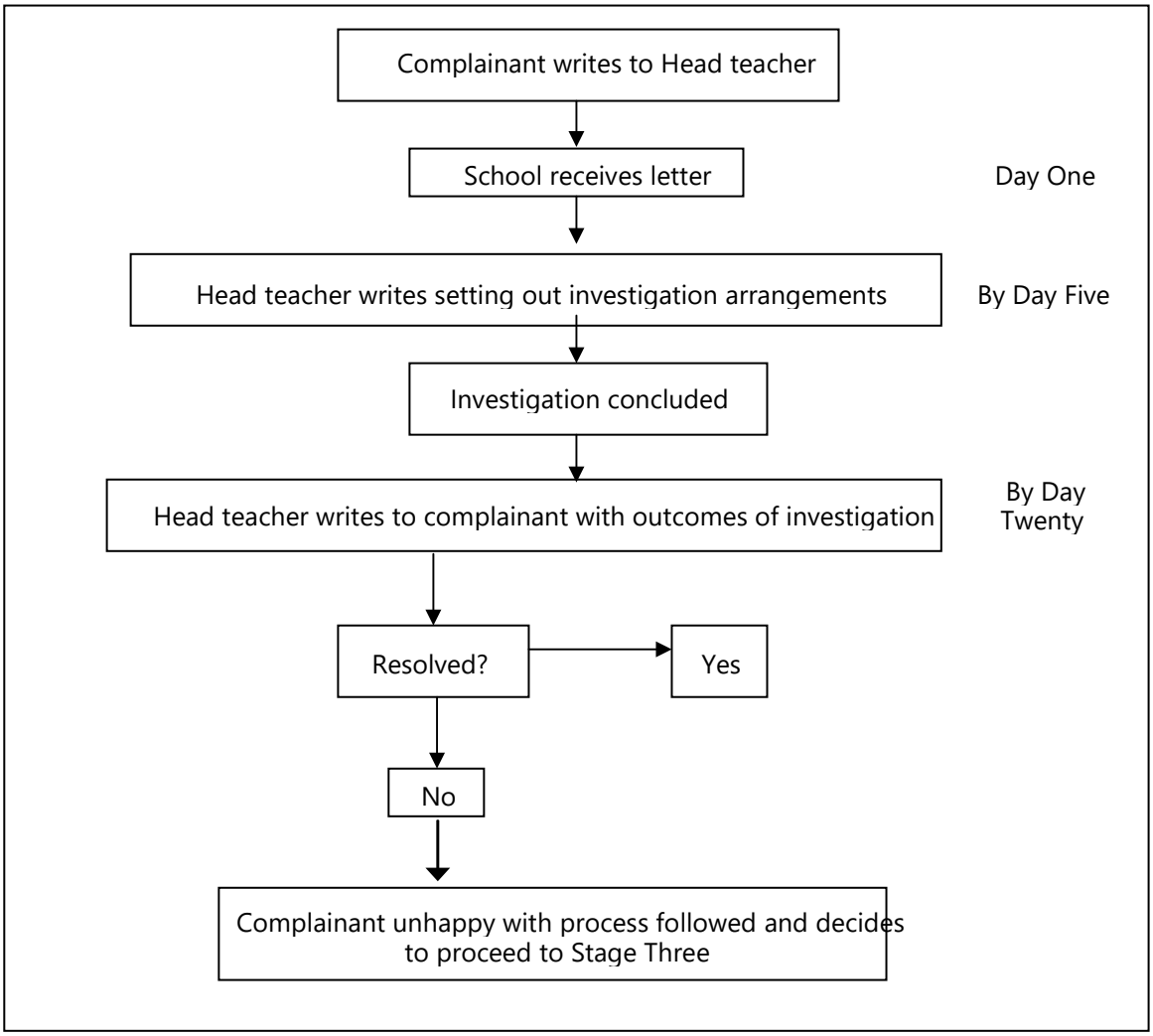
4.3 The decision to bar should then be reviewed, taking into account any representations made by the parent/ carer, and either confirmed or lifted. If the decision is confirmed the parent/ carer should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the head teacher or Chair of Governors.

Complaints Procedure for Schools - Flowchart

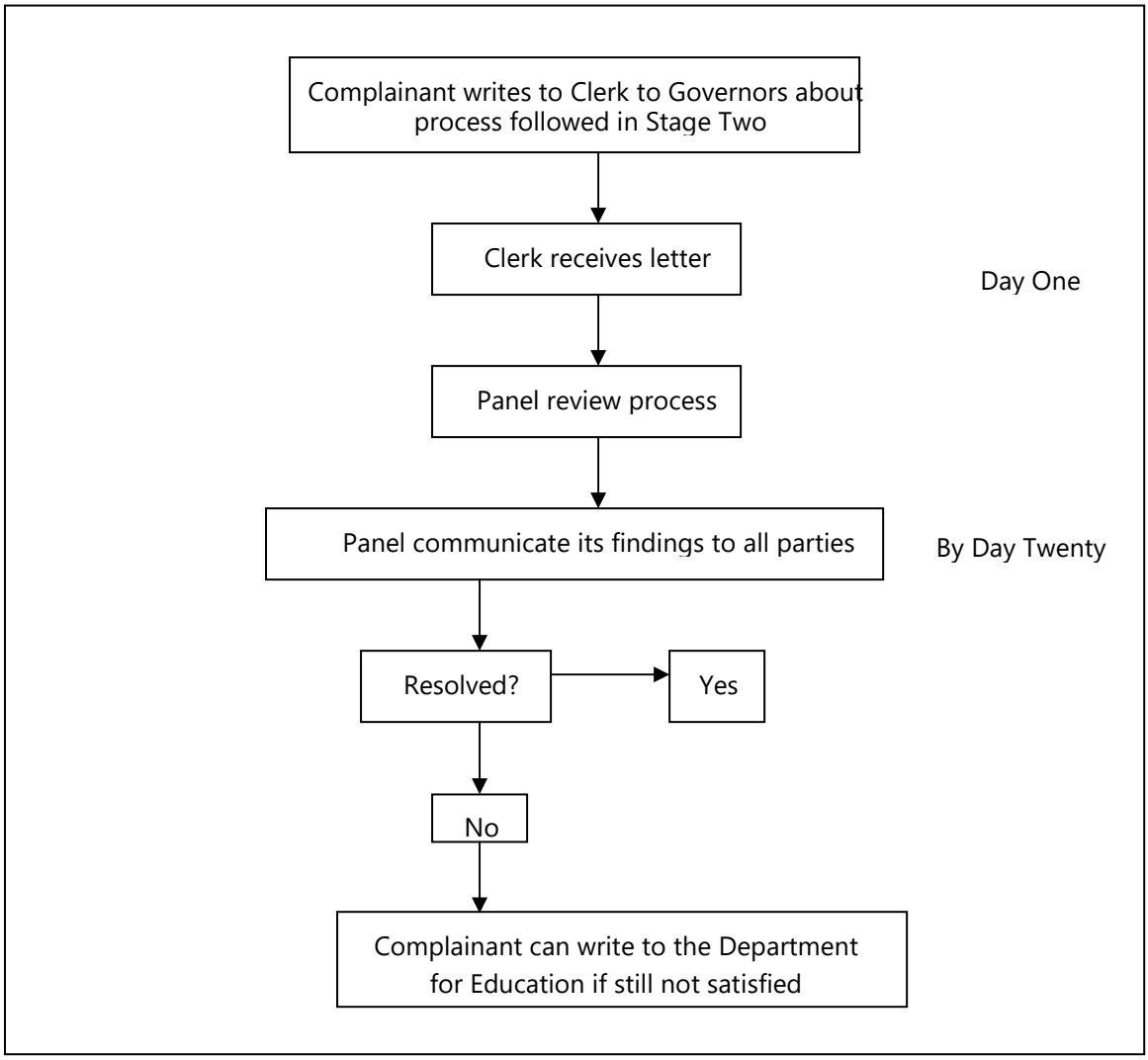
Stage One
Informal Stage



Stage Two
Formal Stage



Stage Three
Governors Review Panel (stage three)



Note: - If the complaint is about the actions of the Head Teacher then the Chair of Governors carries out the Head Teacher's role indicated above.

Appendix A – Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if they:

- co-operate with the school in seeking a solution to the complaint
- express the complaint in full as early as possible
- 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.

The Complaints Co-ordinator (or Head Teacher)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaint's procedure
- keep records
- be aware of issues regarding sharing third party information
- additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include 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
- consideration of records and other relevant information
- interviewing staff and children/young people and other people relevant to the complaint
- analysing information
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems
- being mindful of the timescales to respond; and responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient
- to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- circulate the minutes of the panel hearing
- notify all parties of the panel's decision
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:

- the meeting is minuted
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial
- 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
- both the complainant and the school are given the opportunity to state their case and seek clarity
- written material is seen by everyone in attendance – 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 hearing
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panellists will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so
- no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant
- however, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child
- the panel chair will ensure that the proceedings are as welcoming as possible
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing
- careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults
- if the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent/ carer is the complainant, the panel should give the parent/ carer the opportunity to say which parts of the hearing, if any, the child/young person needs to attend
- the parent/ carer should be advised however that agreement might not always be possible if the parent/ carer wishes the child/young person to attend a part of the meeting which the panel considers not to be in the welfare of the child/young person is paramount.

Interviewing Best Practice Tips

Children/young people

Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.

Care should be taken in these circumstances not to create an intimidating atmosphere. Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.

- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice.
- Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.