



# Complaints Policy

	Name	Date
Revised by:		
Reviewed by:	Executive Headteacher	July 25
Approved by:	Chair and Vice Chairs of Governors	July 25
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This policy is applicable to Rotherfield Primary School and Newington Green Primary School as part of The Growth Learning Collective		

## **Making a Complaint**

Like all organisations we are not perfect, although that is our aim. Occasionally we make mistakes which may affect you, or your child. It is important, therefore, that you know how to make a complaint. While many such concerns are resolved informally, the following summary sets out the stages of the school complaints procedure.

Our policy takes account of best practice advice from the Department for Education. All complaints will be treated confidentially and investigations will be conducted with an open mind. The complainant will be kept fully informed at all stages of the process and we will ensure that all people involved are aware of the relevant legislation around complaints.

## **Frequently asked questions (FAQs)**

### ***What is the difference between a concern and a complaint?***

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. 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, we will respect your views. In these cases, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

### ***Who can make a complaint?***

The right to make a complaint is not limited to parents or carers of pupils registered at the school. A complaint can be made by a member of the wider community or a person representing an ex-pupil.

### ***What can a person complain about?***

A person can make a complaint about most areas of the school including any community facilities or services the school provides. However, the following areas have their own separate procedures which must be used:

- Collective worship
- Staff grievances
- Disciplinary Procedures
- Special Needs (SEND)
- Exclusions

## **Notes to consider around the complaints process**

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

- A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- Concerns should be raised with either the class teacher or Head of School. If the issue remains unresolved, the next step is to make a formal complaint.
- Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.
- Complaints against school staff (except the Head of School) should be made in the first instance, to the Head of School via the school office. Please mark them as Private and Confidential.
- Complaints that involve or are about the Head of School should be addressed to the Executive Headteacher. Any complaints about the Executive Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.
- For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.
- In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

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

### **Time scales**

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

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

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

### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by the school, other than complaints

### **Resolving complaints**

At each stage in the procedure, the school wants to resolve any complaint. If appropriate, we will acknowledge whether complaint is unsubstantiated, unfounded or upheld in whole or in part. In addition, we may offer one or more of the following:

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

### **Withdrawal of a Complaint**

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

## **Stages of the Complaints Procedure**

### **Informal stage**

You can make an appointment to speak to the member(s) of staff concerned. You may also wish to refer your concerns on to the relevant line manager. In many instances, complaints can be resolved at this early, informal stage.

If you feel that your complaint has not been, or cannot be, resolved through informal discussion, you should use the formal complaints process.

## Formal stage

Our formal complaints process has four school stages:

### STAGE 1 – Head of School

You must complete the **complaints form** and send this to the Head of School.

The Head of School 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**.

*Note: The Head of School 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 of School (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 of School will provide a formal written response within **15 school days** of the date of receipt of the complaint.
- If the Head of School 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 Head of School will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

### STAGE 2 – Executive Head

A request to escalate to Stage 2 must be made to the Executive Headteacher using the **complaints form**, via the school office, within **10 school days of receipt of the Stage 2 response**.

The Executive Head will normally investigate your complaint within **15 school days** of the complaint being received. The timescale for completing any necessary investigations may be extended by notifying you in writing of the extension and the reasons for it.

The Executive Head 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**.

During the investigation, the Executive Head 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 Executive Head will provide a formal written response within **15 school days** of the date of receipt of the complaint.
- If the Executive Head 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 Executive Head will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2:

If you are still not satisfied, or your complaint is about the Executive Head, you have the right to refer your complaint to the Chair of Governors.

### **STAGE 3 – CHAIR OF GOVERNORS**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – 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 3 must be made to the Clerk, via the school office, within **10 school days of receipt of the Stage 2 response**.

The Chair of Governors will acknowledge receipt of your complaint. The Chair of Governors will then review your complaint and any initial investigation. The Chair may also carry out a further investigation or commission another person to do so on his/her behalf. In the case of a complaint about the Executive Headteacher, the Chair will carry out an initial investigation or commission an independent person to do so.

If your complaint is about the Chair of Governors, this will be investigated by the Vice-Chair following the same process.

Any investigation at this stage will normally be carried out within **10 school days** of receipt of the complaint by the Chair. As with Stage 1 & 2, the timescale for completing the investigation may be extended by notifying you in writing of the extension and the reason for it.

Once the investigation has been completed, the Chair will write to you within **3 school days** with a formal response. If you wish, you may request a meeting to discuss the response.

If you are dissatisfied with the Chair's response, you can write to the Clerk to the Governing Body **within 10 school days** to request that the complaint be referred to the Governing Body Complaints Committee (Stage 4).

#### **STAGE 4 – GOVERNING BODY COMPLAINTS COMMITTEE MEETING**

The Clerk will acknowledge receipt of your complaint and confirm that a panel meeting will be convened within **20 school days**. As with Stages 1, 2 and 3, this timescale may be extended if there are good reasons and you will be advised if this is necessary. You will also be advised of the timeframes in which documentation for the meeting and the names of any witnesses you may wish to call must be provided to the Clerk.

The Complaints Committee panel will comprise 3 governors who have not had any prior involvement in the complaint or the circumstances surrounding it. This will ensure that the meeting is independent and impartial. In cases where all members of the Governing Body have prior knowledge, an independent panel will be convened by the Clerk.

The Clerk will liaise with all parties to find a convenient date, time and venue for the meeting and final details will be notified to you in writing at least **10 working days** before the meeting.

If the Committee feels that any further investigation is needed, it may commission this from another person such as a senior member of staff (not involved in the complaint), a governor or an independent person.

Any new investigation report should be available for circulation **7 working days** before the meeting. You may also submit a written statement or additional documents for circulation **7 working days** before the meeting. If either party wishes witnesses to be called, they must notify the Clerk **7 working days** before the meeting.

All papers and details of witnesses to be called will be made available to the Committee, the complainant and the Executive Headteacher at least **3 working days** before the meeting. The Clerk will also advise you of the structure of the meeting.

Members of the Committee will not discuss the meeting papers or details of the complaint with any other people prior to the meeting. The meeting will be held in private bearing in mind your right to confidentiality.

At the meeting, all parties will be treated with respect and care will be taken to ensure that the setting is not confrontational or adversarial. If a child is the complainant or is giving evidence, the Committee will give particularly careful consideration to the atmosphere and proceedings to ensure that the child does not feel intimidated. The views of children will be given equal consideration to those of adults.

The meeting may be adjourned if new evidence or witnesses are brought to allow for additional time to consider this new information. Where the complaint is complex, the committee may also decide to adjourn and reconvene at a later date to give sufficient time to review the evidence.

The Committee can decide:

- To dismiss the complaint in whole or in part;
- To uphold the complaint in whole or in part;
- To decide on appropriate action to resolve the complaint;
- To recommend changes to the school's systems or procedures to ensure that similar problems do not recur.

Following the meeting, the Chair of the Committee will write to inform the complainant of its decision within **5 working days** of the end of the meeting. As with earlier stages, this timescale may be extended if there is a good reason to do so.

The Clerk will produce and circulate draft minutes of the proceedings within **20 school days** after the meeting to provide both parties with the opportunity to agree or challenge this record.

The Clerk will ensure that all final records are stored centrally and the outcome of the complaint and any changes to systems or procedures are communicated to the Governing Body.

**This is the final stage of the school's formal complaints process.**

#### **APPEAL STAGE – DEPARTMENT FOR EDUCATION**

If you believe that the **school's complaints procedure was not followed appropriately**, the final stage of appeal is to the Secretary of State for Education through the School Complaints Unit at the Department for Education. Complainants should note that **the Department will not re-investigate the substance of the complaint** as this remains the responsibility of schools.

The School Complaints Unit will:

- examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out; and
- examine policies to determine if they adhere to education legislation.

If a Complainant feels that relevant school policies do not adhere to education legislation or that the school did not properly follow the complaints policy and procedure, the complainant can write to:

The School Complaints Unit  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD.

## **APPENDIX A INVESTIGATION**

### **Procedure for Person Investigating a Complaint**

Any person investigating a complaint should adhere to the following procedure:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

## **APPENDIX B RESOLUTION PRINCIPLES**

- Identify areas of agreement
- Clarify any misunderstandings
- Encourage complainants to state what actions they feel might resolve the problem at any stage
- Offering one or more of the following may result in a resolution of the matter:
  - an acknowledgment that the complaint is valid in whole or in part;
  - an apology;
  - an explanation;
  - an admission that the situation could have been handled differently or better (this is not the same as an admission of negligence);
  - an assurance that the event complained of will not recur;
  - an explanation of the steps that have been taken to ensure that it will not happen again;
  - an undertaking to review school policies in light of the complaint.

## APPENDIX C

### PROCEDURES FOR CONDUCT OF THE MEETING

Set out below is a procedure that the Committee can follow for the conduct of the meeting:

- a) Prior to the meeting, the Committee will:
  - nominate a Committee Chair
  - consider whether the setting is sufficiently informal and whether every effort has been made to put complainants and witnesses at ease; and
  - consider any issues with children being involved in the proceedings.
- b) At the beginning of the meeting the Committee Chair will:
  - welcome the parties to the meeting;
  - confirm that no committee member has had any previous involvement in the matter;
  - explain the remit of the committee to the parties;
  - explain that the aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant;
  - explain that Stage 4 is the final school based stage of the procedure and no further consideration of the substance of the complaint will be possible; and
  - ensure that all written material has been received and seen by all parties.
- c) The complainant shall explain the nature of her/his complaint and may submit a written statement, to the meeting.
- d) The Executive Head and the Committee may question the complainant about the complaint and why it has been made. The Executive Head and the Committee should bear in mind the Resolution Principles in **Appendix B** and in particular the consideration of what actions the complainant feels may resolve the complaint.
- e) If any investigation report has been produced at the request of the Chair of Governors by the Executive Head (or another person) it will be considered. If the report is produced by a person other than the Executive Head, the person may be present at the meeting and answer questions of clarification for the complainant, the Executive Head and Committee. Otherwise the Executive Head will respond to the complaint.
- f) The complainant and the Committee may question the Executive Head about her/his response to the complaint.
- g) The Committee, the Executive Head and the complainant shall have the right to call witnesses where there are disputes as to the fact. Witnesses are only required to attend for the part of the meeting in which they give their evidence.
- h) The Committee, the Executive Head and the complainant shall have the right to question any such witnesses.
- i) If a new issue arises the Committee Chair should ensure that all parties are given the opportunity to consider and comment on it.
- j) The complainant may make a final statement.

- k) The Executive Head may make a final statement.
- l) The Chair of the Committee shall explain that the complaint will now be considered and a decision reached which will be notified to the complainant and the Executive Head in writing.
- m) The complainant and the Executive Head will then leave the meeting.
- n) The Committee will consider the complaint and the cases made by the complainant and Executive Head and:
  - decide whether to uphold or dismiss the complaint in whole or in part and the reasons for that decision ensuring that all issues are addressed;
  - make any key findings of fact;
  - decide on any appropriate action to be taken to resolve the complaint; and
  - recommend any changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- o) Notification of the decision will be sent to the complainant and to the Executive Head in writing.
- p) The letter sent to the complainant informing her/him of the decision concludes this stage of the procedure.

## APPENDIX D

### COMPLAINT FORM:

Please complete and return to the School Office in an enveloped marked 'Private & Confidential' to the relevant person listed below:

- a) General complaints are referred to the Head of School and begin at Stage 1 of the complaints process;
- b) Complaints against the Head of School are referred to the Executive Head and start at stage 2

If there is insufficient space for any items, please attach additional pages, as required.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Email:</b>
<b>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint:</b>
<b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>

**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 only**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**