

Leconfield Primary School

Complaints Policy



Approved By:	Full Governing Body	Date: 15 th November 2021
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Introduction

1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents 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
- Treat complainants with respect and courtesy
- 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
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

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

To support this, we will make sure we publicise the existence of this policy and make it 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.

2. Definitions and scope

2.1 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 of dissatisfaction however made, about actions taken or a lack of action”

2.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- School re-organisation proposals
- Curriculum
- Collective worship

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

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

The governing board will review the complaints policy and procedure on a regular basis. The governing board will also be provided with information about complaints and actions taken. All information given to the governing board will be anonymized.

3. COMPLAINTS PROCEDURE

3.1 Stage 1 (Informal) Complaint considered by member of staff

Most concerns can be quickly resolved by the member of staff involved. This can often be achieved by the complainant contacting the member of staff directly. Where possible, the concerns should be put in writing and provided to the member of staff so that he/she is able to look into the matter.

If the complainant does not feel able to take up the issue with member of staff, the complainant can ask the Headteacher to appoint another member of staff to deal with the complaint.

If the member of staff feels that they are too compromised to deal with a complaint, the Headteacher may appoint another member of staff to deal with the matter.

If the complaint is about the Headteacher or a governor, the matter should be referred to the Chair of Governors.

If needed, the member of staff will contact the complainant or arrange to meet with them to ensure that the nature of the complaint is fully understood and to determine what the complainant feels needs to be done to resolve the issue.

There may be a need for the member of staff to undertake an investigation and interview others to establish the facts, but he/she will try to deal with the complaint and seek to resolve the issue in an informal manner.

This stage should normally be concluded within ten school days of the details of the complaint being agreed. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

3.2 Stage 2 (Formal) Complaint considered by the Headteacher

If the complainant is dissatisfied with the informal resolution, they should write to the Headteacher with the details of their complaint. The Headteacher will contact the complainant as soon as possible and arrange to meet with them to ensure that the nature of the complaint is fully understood and to determine what the complainant feels needs to be done to resolve the issue.

The Headteacher will gather factual evidence and information. This may involve interviewing those involved in order to be able to fully respond to the complainant. The Headteacher will keep appropriate records and inform the complainant of the outcome of the investigation. Feedback to the complainant may be given verbally in a meeting, but a formal response in writing will also be provided.

Stage 2 should normally be concluded within ten school days of the detail of the complaint being agreed. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

3.3 Stage 3 Complaint considered by Chair of Governors

In a small number of cases, the matter may not be resolved even with the involvement of the Headteacher. When this happens, or the complaint is about the Headteacher, the complainant should write to the Chair of the Governing Board detailing why they are not happy with the decision and send it to him/her through the school.

If the matter is not discussed with the Headteacher, it is not normally possible to proceed further with the official complaints procedure. In this circumstance, the complaint should be submitted to the Chair of

Governors in writing stating the reasons why it has not been discussed with the Headteacher. If the complaint is about the Headteacher, he/she will need to be informed of the complaint in order for the matter to be investigated.

The Chair of Governors will then review the decision of the Headteacher. This may also require the Chair of Governors to contact the complainant to clarify why they are not satisfied with the decision of the Headteacher. The Chair of Governors may ask for further information or ask someone to undertake additional investigations in which case a written report may be provided to the Chair of Governors

Feedback to the complainant may take place in a meeting, but a formal response in writing will also be given.

Stage 3 should normally be concluded within ten school days of the matter being referred to the Chair of Governors. If a longer period is required, the complainant should be informed of the reasons for this and provided with a revised timescale.

3.4 Complaints about a Governor or Chair of Governors

If a complaint is received about a governor, it should be considered by the Chair of Governors as a stage 3 complaint.

If the complaint is about the Chair of Governors, it should be considered by the Vice Chair of Governors or another governor who has not been involved in the complaint.

If there are no independent governors, the Governing Board may ask another Governing Board or an independent person to conduct the stage 3 investigation.

3.5 Stage 4 Complaint heard by Governing Board Complaints Appeal Panel

If the complaint cannot be resolved by the involvement of the Chair of Governors, the complainant should write to the Clerk of the Governing Board giving the details of their complaint and why they are not happy with the decision of the Chair of Governors.

The Complaints Committee will be convened and review the decision of the Chair of Governors. The panel will not include any governor, including the Chair of Governors, who has had previous involvement in the case.

The panel will be convened within 15 school days of receipt of notification from the complainant and at a time that is convenient to all parties.

If the meeting cannot be convened in this period, the complainant should be informed of the reasons for this and provided with a revised timescale. Where appropriate, witnesses may be invited to attend the meeting but will only be present for the part of the hearing in which they give evidence.

At the panel meeting, the complainant will be given the opportunity to state their case as to why he/she is not satisfied with the outcome of the complaint. The panel will be provided with all the information that has been collated as part of the investigation. The Headteacher or chair of governors, as appropriate, will also be able to explain the school's actions and the reasons for the decision about the complaint.

The panel will consider the issue in private and can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;

- recommend changes to the school's policies, systems or procedures to ensure that problems of a similar nature do not recur.

If the Complaints Committee agrees that the outcome could lead to disciplinary action being taken against an employee of the school, the matter will be passed to the Disciplinary Committee. In this case, it is not the responsibility of the Complaints Appeal Panel to make a judgment about whether the employee is culpable, only that there is a case to answer. The complainant will be informed that the matter has been passed to the Disciplinary Committee for further consideration.

At this point, the Disciplinary Procedure adopted by the Governing Board will be followed.

If it is not possible for the Governor's Complaints Committee to consider the matter e.g. because there are no governors available who are independent of the issue that is being considered, the Governing Board will consider asking another Governing Board, or appoint independent people, to hear the complaint appeal.

3.6 Notification of the panel's decision

The panel will inform the complainant in writing of their decision, together with reasons, within five working days.

Should the complainant still not be satisfied with the outcome, he/she can refer the matter to the Secretary of State for Education at

The School Complaints Unit (SCU)

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD

or online at www.education.gov.uk/help/contactus

Further information can be obtained from the School Complaints Unit National Helpline on 0370 000 2288. The School Complaints Unit will not re-investigate the substance of the complaint but will examine if the complaints policy and other relevant policies were followed in accordance with the provisions set out and that they adhere to education legislation.

3.7 Persistent and Unreasonable Complaints

Once the procedures have been exhausted, if the complainant continues to contact the school on the same issue, he/she will be informed that the matter has been dealt with and that no further correspondence will be entered into on the matter. Any new complaints raised by the complainant will, however, follow the normal procedure.

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

However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The 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'.

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 complaints 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.

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.

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.

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

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 banning an individual from the school

3.8 Steps we will take

We will take every reasonable step to address the complainant's concerns, 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.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. 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

3.9 Stopping Responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

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, 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 there are new aspects, we will follow this procedure again.

5. Complaint Campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

6. Complaints made to the Local Authority

If the local authority receives a written complaint about a school, the Headteacher will be contacted to ensure that he/she is aware of the complaint and asked to deal with it under the school's complaints policy and procedure. The local authority does not investigate complaints about a school.

The local authority will ensure that the Headteacher and Chair of Governors receive copies of any documentation sent to it by the complainant. If the complainant requests that copies are not sent to the school, then he/she will be advised that an investigation cannot be undertaken.

7. Principles for Investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

7.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

8. Record Keeping

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 held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

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

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.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

9. Learning lessons

The Senior Leadership Team and Governing Board will review any underlying issues raised by complaints, 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.

10. Monitoring Arrangements

The Senior Leadership Team and Governing Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. They will track the number and nature of complaints, and review underlying issues as stated in section 9.

COMPLAINTS PROCEDURE FLOWCART

