

WHITGREAVE PRIMARY SCHOOL

COMPLAINTS PROCEDURE



Mrs Redfern - Head Teacher

Whitgreave Primary School

Complaints Procedure

Background

Governing Boards of all maintained schools are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints relating to the school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE) and addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage (EYFS) requirements.

Definitions

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

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

Principles

In order to be effective our Complaints Procedure will:

- Encourage resolution of problems by **informal** means wherever possible;
- Identify a clear route for complainants to follow;
- Be accessible to all parties;
- Be easy to understand;
- Be impartial;
- Ensure that all stages are investigatory rather than adversarial;
- Allow swift handling within established time limits and always ensuring that people are kept informed;
- Ensure a fair investigation by an independent person, if appropriate;
- Respect people's right to confidentiality;
- Address all the points at issue and provide an effective and appropriate response;
- Make sure that any decisions made are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law;
- Provide information to the Leadership team and Governors to improve services and prevent complaints of a similar nature occurring;
- Contribute to school improvement by helping to identify underlying issues.

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;
- Suspension and permanent exclusion;
- Whistle-blowing;
- Staff grievances;
- School re-organisation proposals;
- Curriculum;
- Collective worship;
- Staff discipline;

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

Dealing with concerns/complaints

We recognise that there are two stages when complaints can be dealt with i.e. at the **informal** stage and at the **formal** stage. It is hoped that if complaints/concerns are taken seriously at the informal stage, this will reduce the number of complaints/concerns that proceed to the formal stage.

Part A

Making informal complaints against a member of staff other than the Head Teacher

Parents/complainants should:

- Communicate directly with the member of staff concerned if the issue is of a minor nature and can be easily resolved by the class teacher or a member of support staff. Such concerns might be that a child has not had milk, has been spoken to sharply or has been incorrectly blamed for something etc.
- Address the concern/complaint directly to the Head Teacher if of a more serious nature or if attempts have been made to clarify a situation with a member of staff and parents or staff are still not happy.

The Head Teacher and all staff can often resolve complaints by:

- Apologising if the complaint is valid;
- Offering an explanation;
- Admitting that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- Explaining the steps taken to ensure that the event will not happen again;
- Offering to review School Policies, in light of the complaint.

If any member of staff feels intimidated or threatened in any way they should always refer the complainant to the Head Teacher or, in the event of her absence, the Deputy Head Teacher.

Making formal complaints against the actions of a member of staff other than the Head Teacher

In the event that all attempts at informal resolution of complaints fail, parents/complainants should:

- Put the complaint in writing and forward it to the Head Teacher who, in this school, is the Complaints Co-ordinator;
- Provide enough detail, such as relevant dates and times, to support in the investigation of the complaint and include what they feel would resolve the complaint.

The Head Teacher will:

- Reply to the complainant within 5 working days outlining how the investigation will proceed;
- If necessary, meet with the complainant to clarify the nature of the complaint;
- Collect other evidence as appropriate. Where this involves an interview with the member of staff who is the subject of the complaint s/he may be accompanied by a friend or representative if s/he wishes;
- Conduct the investigation with an open mind and be prepared to persist in the questioning;
- Keep notes of any interviews held;
- Write to both parties stating the outcome of the investigation.

The investigation procedure

At Whitgreave Primary School we will adhere to the following principles when investigating formal complaints:

- Any allegations/complaints irrespective of whether they appear to trivial or serious will be investigated thoroughly and responsibly;
- Anonymous complaints will not be investigated unless there are exceptional circumstances e.g. child protection issues or bullying allegations;
- The Head Teacher or Chair of Governors will formally acknowledge the complaint, commit to investigating the complaint and notify the outcome of the investigation to the complainant;
- A copy of the complaint will be given to the appropriate member of staff and s/he will be informed that an investigation will be carried out;
- The investigator will establish who she wishes to interview and what documentation will be needed (giving both the complainant and member of staff opportunity to offer documentation and potential witnesses);
- The member of staff will be advised on his/her right to be accompanied at any meeting;
- It is anticipated that only in extreme circumstances will children be interviewed;
- Interviews will be held as quickly as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will be tainted by people discussing the alleged incident;
- The investigator will prepare questions before the interview and will listen to answers attentively. There will be no attempt to 'lead' answers or to cut the interview short;
- Interviewees will be reminded to keep responses within the confines of the complaint;
- Accurate notes of all interviews should be taken and the outcome accurately recorded;

- The investigator will resist the temptation to reach conclusions or pass judgements before the investigation is completed;
- A summary of the process will be given to the complainant and the member of staff concerned. Caution will need to be exercised in how much information is given to the complainant;
- The complainant should be advised that s/he may request a review of the process by the Governing Body if s/he feels that the procedure has not been carried out properly.

Possible outcomes of an investigation

1. There is insufficient evidence to reach a conclusion - the complaint is not upheld.
2. The concern is not substantiated by the evidence - the complaint is not upheld.
3. The concern is substantiated in part or full. Details of actions that the school is going to take can be given but no details of any possible disciplinary procedures will be disclosed to a parent.
4. The matter has been fully investigated and the appropriate procedures are being followed but these procedures are strictly confidential (i.e. when disciplinary action is being taken).

The parent/complainant will be told that consideration of their complaint by the Head Teacher is now concluded.

If a parent is not satisfied with the manner that the complaints process has been followed, s/he can request that the Governing Board review the process. This must be requested in writing within 2 weeks of receiving notice of the outcome of the investigation.

N.B Governors will not agree to a review if the request is based solely on dissatisfaction with the outcome. It is only if appropriate procedures have not been followed.

If a parent/complainant feels that the Head Teacher has acted unreasonably in considering the complaint then a complaint can be brought against the Head Teacher (as outlined in Part B of this procedure).

The review process

Any review of the process followed by the Head Teacher will be conducted by a panel of 3 members of the Governing Board.

The review will normally be conducted through a consideration of written submissions but, if it is felt that a meeting is beneficial, this may be arranged.

The process will be as follows:

- The panel will invite written evidence from the complainant or arrange a meeting as necessary;
- The panel will then invite written evidence from the Head Teacher or arrange a meeting as necessary;
- The panel may ask for written records of the process followed;
- A decision will be made as to whether or not the complaints process was satisfactorily followed and the decision will be made known in writing to both parties.

Part B

Making informal complaints about the actions of the Head Teacher

Parents/complainants should:

- Speak directly with the Head Teacher about the concern or the complaint;
- Contact the Chair of Governors if the concern is of a serious nature or if attempts have been made to resolve the issue with the Head Teacher but the parent is still dissatisfied.

The Head Teacher or Chair of Governors can often resolve complaints or prevent complaints proceeding to the formal stage by taking actions as outlined in Part A.

Making formal complaints about the actions of the Head Teacher

If the complaint cannot be resolved informally then the complainant should:

- Make a written complaint and address it to the Chair of Governors.

The Chair of Governors will then:

- Invite the complainant to meet with her to clarify the nature of the complaint;
- Collect other evidence as is deemed necessary from witnesses and others who might provide relevant information;
- Provide the Head Teacher with a copy of the complaint and any additional evidence;
- Meet separately with the Head Teacher so that the Head Teacher can present a written and oral response. The Head Teacher can bring a friend or representative to this meeting;
- Inform in writing the Head Teacher and the complainant of the outcome of the investigation (any disciplinary action will be confidential).

The parent/complainant will be told that consideration of their complaint by the Chair of Governors is now concluded.

If the parent/complainant is not satisfied with the manner in which the process has been followed or that the Chair of Governors has acted unreasonably, then the complainant may request that the Governing Board review the handling of the complaint by the Chair of Governors. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair of Governors and include a statement of any perceived failures.

Any review of the process followed by the Chair of Governors will be conducted by a panel of 3 members of the Governing Board.

The review will normally be conducted through consideration of written submissions but, if it is felt that a meeting is beneficial, this may be arranged.

The process will be as follows:

- The panel will invite written evidence from the complainant or arrange a meeting as necessary;
- The panel will then invite written evidence from the Chair of Governors and arrange a meeting as necessary;

- The panel may ask for written records of the process followed;
- A decision will be made as to whether or not the complaints process was satisfactorily followed and the decision will be made known in writing to both parties.

If a complainant believes that the Governing Board has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

Part C

Managing and recording complaints

The Complaints Co-ordinator (Head Teacher) will be responsible for keeping records of all complaints. Records will be kept of:

- Telephone calls;
- Meetings with parents;
- Written complaints.

The Chair of Governors will keep records of any complaints against the Head Teacher.

Part D

Monitoring and evaluating the complaints procedure

The Governing Board will monitor the level and nature of any complaints and review outcomes on a termly basis through the Head Teacher's report. The effectiveness of the procedure can then be evaluated and changes made where necessary.

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, 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.

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.

Unreasonable complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- 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;
- Refuses to accept that certain issues are not within the scope of the complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- Introduces trivial or irrelevant information that they expect to be taken into account and commented on;
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education;
- Seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- Uses threats to intimidate;
- Uses abusive, offensive or discriminatory language or violence;
- Knowingly provides falsified information;
- Publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Steps we will take

We will take every reasonable step to address the complainant's comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address;

- Limit the number of times the complainant can make contact, such as a fixed number per term;
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#);
- Put any other strategy in place as necessary.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing.

Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

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

The case to stop responding is stronger if:

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

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

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 a duplicate complaint is raised, which in the view of the school, warrants further consideration, the procedure outlined at the beginning of this document will be repeated.