



Complaints procedure

Engayne Primary School

Approved by: Governing Body

Date: March 2021

Last reviewed on: March 2021

Next review due by: March 2022

Contents

1. Aims	2
2. Legislation and guidance	2
3. Definitions and scope.....	3
4. Principles for investigation/ anonymous complaints	3
5. Stages of complaint (not complaints against the headteacher or governors)	4
6. Complaints against the headteacher, a governor or the governing board	5
7. Referring complaints on completion of the school's procedure	7
8. Persistent complaints	8
9. Record-keeping.....	8
10. Learning lessons.....	9
11. Monitoring arrangements	9
12. Links with other policies	9

.....

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
- Ensure 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 ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their 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).

3. Definitions and scope

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”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

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

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

Arrangements for handling complaints from parents of children with SEN about the school’s support are within the scope of this policy. Such complaints should first be made to the schools SENco/headteacher; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. Principles for investigation/ Anonymous complaints

When investigating a complaint, we will try to clarify:

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

We will not normally investigate anonymous complaints. However, the headteacher or chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

5. Stages of complaint (not complaints against the head teacher or governors)

1. Complaints about the actions of a member of staff other than the head teacher

Informal Stage

Most parental concerns can be adequately resolved by discussion with the class teacher (or form teacher in secondary schools) or with other members of staff who may be the object of the complaint. There will be no need for the complaint to be put in writing, which would formalise matters and parents may feel less willing to articulate concerns, perhaps because of fear that such action may prejudice the interests of their child. In the case of serious concerns, it may be appropriate to address them directly to the headteacher or a designated member of the Senior Management Team.

Formal Stage

If the complainant is not satisfied with the response received, s/he should put the complaint in writing. This may be to the headteacher or a designated member of the senior management team. The complainant should normally receive a response within 15 school days of contacting the senior member of staff.

The complaint should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition, the headteacher may meet with the complainant to clarify the complaint. It is good practice to have a colleague with the headteacher during any such meeting, although this should not be anyone who is the object of the complaint or who has had any prior dealings with the matter.

The headteacher or other designated member of staff will collect any other evidence, as s/he deems necessary. Where this involves an interview with a member of staff, s/he may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full (some details may then be given of action the school may be taking to review procedures but details of any disciplinary procedures must not be released).
- The matter has been fully investigated and appropriate procedures are being followed, which are strictly confidential.

The complainant will be told that consideration of their complaint by the head teacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request the Governing Body's complaints panel to review the process followed by the head teacher (see section 3). Any such request must be put in writing to the Chair of Governor's within 10 school days of receiving notice of the outcome from the head teacher, and include a statement specifying any perceived failures to follow procedure.

If the complainant considers that the decision of the head teacher is perverse, or that the head teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the head teacher as detailed in section 6 below.

6. Complaints against the head teacher, a governor or the governing board

Complaints made against the headteacher should be directed to the chair of governors.

Where a complaint is against the chair of governors, any member of the governing board, or the entire governing board, it should be made in writing to the clerk to the governing board in the first instance. Please contact the school office who will give you the contact details of the clerk.

Complaints about the actions of the head teacher informal Stage

The complainant is usually expected to arrange to speak directly with the headteacher, except in the case of serious concerns when it may be appropriate to raise them directly with the chair of the governing body. Many concerns can be resolved by simple clarification or the provision of information. However, in certain circumstances it may be appropriate to encourage parents to put their concerns in writing, for example where there is continuing/constant verbalising of concerns even when the headteacher considers they have been appropriately dealt with.

Formal Stage

If the complaint is not resolved at the informal stage, the complainant must put the complaint in writing to the chair of the governing body who is responsible for investigating it. In certain circumstances it may be more appropriate for the investigation to be conducted by the vice-chair, for example if the complainant is well known to the chair. In such cases, this person is termed 'the investigator'.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents. In addition, the complainant will be invited to meet with the chair to present oral evidence or to clarify the complaint. The chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information. It is good practice to always have another person with the chair present during any such meeting, although this should not be anyone who is the object of the complaint or who has any connection with the complaint. The person could act as a brief note taker to aid the chair's investigation. These will not be formal minutes but brief notes describing the issues under review.

The headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the chair. Once there has been an opportunity for the headteacher to consider this, he/she will be invited to meet separately with the chair, in order to present written and oral evidence in response. A friend or representative may accompany the headteacher at this meeting.

When the investigation has been concluded, the complainant and the headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action. The whole process should be concluded within 20 school days.

The complainant will be told that consideration of their complaint by the chair is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the governing body's complaints panel review the process followed. Any such request must be made in writing within 2 school weeks of receiving notice of the outcome from the chair, and include a statement specifying any perceived failures to follow the procedure.

2 Review of Complaint's Process by the Governing Body Panel

Any review of the process followed by the headteacher or the chair of governors (or investigator) shall be conducted by a panel of three members of the governing body. It should be noted, however, that if any of the governors have been involved directly or indirectly with the case then they must not form part of the panel.

The panel is established to review the process not the decision taken by the headteacher or chair of governors/investigator, following the receipt of a formal complaint. However, when a parent writes to the panel seeking a review it may not be clear until the panel meets, whether or not this is only a matter of process or simple dissatisfaction with the decision reached. The first task of the panel, therefore, is to determine the nature of the request.

If the panel forms the view that it is a matter of the complainant being dissatisfied with the decision reached, then the panel will not take the matter any further*. If however, the complainant is concerned that the process undertaken by the headteacher or the chair of governors was not in accordance with the published process then the panel will continue their review.

The panel may receive evidence from the complainant orally, who may be accompanied by a friend or relative, or representative if they wish, and/or in writing. The complainant may submit relevant documentary evidence. In addition, the panel will meet separately with the headteacher or the chair/investigator, as appropriate, to receive an account of the procedure which has been followed. This account may be presented orally and in writing. The panel will also have access to the records kept of the process followed.

It is good practice to have a note taker to assist the panel during any such meeting, although this should not be anyone who is the object of the complaint or who has had any dealings with the case. The person will only act as a brief note taker to aid the review. These will not be formal minutes but brief notes describing the issues under review.

The complainant and the headteacher or the chair/investigator, as appropriate, will be informed in writing of the outcome, normally within 20 school days from the beginning of the review. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern about applying procedures correctly is not substantiated by the evidence.
- The above concern was substantiated in part or in full, but that the procedural failure did not affect the outcome significantly, so the matter is now closed.
- This concern was substantiated in part or in full and the governing body will take reasonable steps where practical to prevent a recurrence or to rectify the situation.

*The nature of the complaint may give the panel cause to consider it in the best interests of the school to review even if it is clear that it is not about due process. It must be made clear to all parties that the panel is not empowered to overturn the judgement of the headteacher or chair but could refer it back for further consideration if they feel uneasy about the initial judgement. Should they review the case on this basis they will follow the same procedure as laid down for the chair of governors in investigating a complaint against the headteacher. Further guidance is offered below.

MODEL PANEL MEETING PROCEDURE

(This will only apply if the panel decides to go ahead with the review as articulated above).

1. Introductions - the members of the panel will introduce themselves. The complainant and the friend, relative, representative (if attending) will introduce themselves.
2. The chair of the panel will outline the process.
3. The complainant or person in attendance has the opportunity to present evidence. Depending upon the level of detail of the submission received, it may be reasonable to advise the complainant that s/he must focus on where the process was not followed and s/he is limited to new material rather than simply restating what has already been submitted. Panel Members may

ask questions both during the presenting of evidence and at the end of the presentation.

4. The complainant should be advised that the panel will next see the headteacher or the chair of governors (or investigator) to receive an account of the procedures that have been followed, together with access to records kept of the process followed. When the complainant has presented his/her evidence, s/he leaves.
5. The above procedure will then be explained to the headteacher/chair of governors (or investigator) prior to presenting his/her account. This can be either at the same or a separate meeting. Please note that the headteacher and chair (or investigator) do not attend at the same time as the complainant.
6. The panel will then deliberate with neither the complainant nor headteacher/chair of governors/investigator taking any further part.
7. Both the complainant and the headteacher/chair of governors (or investigator) must be advised that the panel is not empowered to overturn the judgement but could refer it back for further consideration.
8. The complainant and the headteacher/chair of governors (or investigator) will be advised in writing of the outcome.

REVIEW OUTCOME NOTIFICATION

Both the complainant and the headteacher/chair of governors (or investigator) will be informed in writing of the outcome, normally within twenty (20) school days from the beginning of the review.

Review Outcome notification-examples of text for these letters are contained within the complaint procedure.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response. If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to stage 2.

Stage 2 will be heard by a committee of 3 independent, co-opted governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Engayne Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at

whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Unreasonably persistent complaints

Please refer to Policy for managing serial and unreasonable complaints.

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.

9. 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 and our privacy notices.

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.

10. Learning lessons

The chair of the governing board will review any underlying issues raised by complaints with the head teacher/senior leadership team 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.

11. Monitoring arrangements

The chair of the governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The chair of the governing board will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the head teacher.

This policy will be reviewed by the head teacher annually.

At each review, the policy will be approved by the full governing board.

12. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices