

# St Leonard's Primary School

## Complaints Policy and Procedure



2021

## **AIMS**

Principles for investigation

## **LEGISLATION AND GUIDANCE**

Definitions

Scope

Complaints about our fulfilment of Early Years requirements

## **PROCEDURE**

Who can make a complaint?

How to raise a concern or make a complaint

Anonymous complaints

Time scales

Complaints received outside of term time

Resolving complaints

Withdrawal of a Complaint

Stage 1

Stage 2

Next Steps

## **ROLES AND RESPONSIBILITIES**

Complainant

Investigator

Complaints Co-ordinator

Clerk to the Governing Body

Committee Chair

Committee Member

## **SERIAL AND UNREASONABLE COMPLAINTS**

Barring from the School Premises

## **AIMS**

St Leonard's Primary School aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others. We aim to provide a safe and inclusive learning environment where everyone is valued and encouraged to reach their full potential.

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.

## **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

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.

## **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 and good practice guidance on setting up complaints procedures from the Department for Education (DfE). In addition, it 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 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".

The school will resolve concerns through day-to-day communication, usually with the class teacher, 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.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head Teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher 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, we will seek to resolve the issue internally, through the stages outlined within this complaints procedure.

## Scope

### Exceptions

Who to contact

- Admissions to schools
- Statutory assessments of Special Educational Needs
- School re-organisation proposals Concerns about admissions, statutory assessments of Special Educational Needs, or school reorganisation proposals should be raised with Staffordshire County Council.
- Matters likely to require a Child Protection Investigation Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding – 0151 356 6550
- Exclusion of children from school\* Further information about raising concerns about exclusion can be found at: [www.gov.uk/schooldiscipline-exclusions/exclusions](http://www.gov.uk/schooldiscipline-exclusions/exclusions). \*complaints about the application of the behaviour policy can be made through the school's complaints procedure.
- Whistleblowing We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus). Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
- Staff grievances Complaints from staff will be dealt with under the school's internal grievance procedures.

This procedure covers all complaints about any provision of community facilities or services by St Leonard's Primary and Nursery, other than complaints that are dealt with under other policies/procedures, including those listed overleaf.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If a complainant commences legal action against the School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

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 class teacher 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.

### **Complaints about our fulfilment of Early Years requirements.**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

An online contact form is also available at:

<https://www.gov.uk/government/organisations/ofsted#orgcontacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also publish a copy of the inspection report on our website and include copies for prospective families in our information pack.

### **PROCEDURE**

Who can make a complaint? This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to St Leonard's Primary School.

- Staff conduct Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
- Complaints about services provided by other providers who may use school premises or facilities Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
- National Curriculum - content Please contact the Department for Education at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) and Nursery about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **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 Teacher. 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 2 of the procedure.

Complaints against school staff (except the Head Teacher) should be made in the first instance, to the Head Teacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head Teacher 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 Teacher 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.

### **Resolving complaints**

At each stage in the procedure, St Leonard's Primary School and Nursery wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is 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.

## **Stage 1**

Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. The Head Teacher 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.

Within this response, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face to face meeting is the most appropriate way of doing this. During the investigation, the Head Teacher (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.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

At the conclusion of their investigation, the Head Teacher will provide a formal written response within 15 school days of the date of receipt of the complaint. If the Head Teacher 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 any actions the School will take to resolve the complaint. The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Head Teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Head Teacher or member of the governing body must be made to the Clerk, via the school office.

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.***

## **Stage 2**

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. The Chair of Governors will appoint the body's complaints committee, which will be formed of the first three impartial governors available. If the complaint is about the Chair, one of the Vice Chairs will appoint the committee. This is the final stage of the complaints procedure. A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 1 response. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing, (either by letter or email), within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

- treat all those involved in the complaint with respect
  - refrain from publicising the details of their complaint on social media and respect confidentiality.
- Investigator

**The investigator's role is to establish the facts relevant to the complaint by:**

- 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
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information

- 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 that relates to their complaint, 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.

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and ask 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 be reviewed after six months. 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 the School premises.

### **Barring from the School Premises**

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.

If an individual's behaviour is a cause for concern, a school can ask them to leave school premises. In some cases, individuals can be barred from entering school premises. The individual will be given the opportunity to express formally their views on a decision to bar. The Head Teacher's decision to bar will then be reviewed by the Chair of Governors or a committee, taking into account any representations made by the individual, and either confirmed or lifted.

If the decision is confirmed the individual will be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed.

Once the school's appeal process has been completed, individuals may be able to apply to the Courts. Individuals who exercise this option should seek independent legal advice.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.

New complaints must be dealt with from Stage 1 of the procedure. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. The committee will consider the complaint and all the evidence presented.

The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part. If the complaint is upheld in whole or in part, the committee will:
  - decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the School. If the complaint is:

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

***Stage 2 will be heard by a committee of 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 the School will take to resolve the complaint.***

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

**St Leonard's Primary School  
COMPLAINT FORM**

Please complete and return to the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Day time telephone number: .....

Evening telephone number: .....

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

**Official use**

Date acknowledgement sent:

Who by:

Complaint referred to:

Date:

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint.

Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.

If there are fewer than three governors from the School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee.

Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend.

Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure.

Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 3 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the School. They will, however, consider whether the School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

by telephone on: 0370 000 2288

by writing to: Department for Education Piccadilly Gate Store Street Manchester M1 2WD. Roles and Responsibilities Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed