Grange Primary School
Complaints Procedure

Introduction
We believe that our school provides a good education for all our children, and that all staff work very hard to build positive relationships with all parents/carers and members of our school community. However, the school is obliged to have procedures in place in case there are complaints (as stated in the Education Act 2002). This document sets out the procedure that the school follows if any complaint is raised, including from a parent/carer, a member of the wider community or someone representing an ex-pupil.

In any case that concerns an allegation of physical, verbal or emotional abuse towards a child or member of staff, the Headteacher will refer immediately to the Local Authority Designated Officer for advice on how to proceed. In such cases no internal interviews will be carried out.

Aims and objectives
Grange Primary School aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved. We will respect people’s desire for confidentiality and ensure all issues are responded to with an effective response. Any concerns or complaints raised will be used to contribute to school improvement, as underlying issues may be identified which need addressing. At Grange Primary School, the School Business Manager (Ellen Dunning) has the responsibility for the operation and management of the school complaints procedure and is the complaints coordinator.

Definition
For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction’ which can be regarding actions taken or a perceived lack of action. Complaints can be resolved formally or informally dependent on the complainant’s choice. A concern can be defined as ‘an expression of worry or doubt’ for which reassurance is sought. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

Legal Framework
This policy has due regard to statutory legislation, including, but not limited to, the following:
- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Pupil Information) (England) Regulations 2005
- The School Information (England) (Amendment) Regulations 2016

This policy also has due regard to guidance including, but not limited to, the following:

Roles and responsibilities
The complainant will:
- Co-operate with the school in seeking a solution to the complaint.
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- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaints co-ordinator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk and chair of governors.
- Be aware of issues in regards to sharing third party information.
- Understand the complainant’s need for additional support, including interpretation support, and will be aware of any issues concerning this.

The investigator is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and children.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

The complaints process

The following stages of the complaints process will be followed when initial, informal attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further to a formal complaint.

A complaint may be raised in person, by telephone, or in writing to the complaints co-ordinator. The form used to record the complaint can be found in Appendix A.

At each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- 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.

At the end of any meeting or telephone call, the complaints co-ordinator should ensure that the school and the complainant have the same understanding of what was discussed and agreed and that the minutes reflect this. Records relating to complaints are held centrally under the responsibility of the complaints co-ordinator.
At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- 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.

At each stage complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. At each stage, it is also important to clarify any misunderstandings that may have occurred in order to create a positive climate in which to discuss any outstanding issues.

Where possible the following stages of the complaint will be followed. However, if the complaint is against the Headteacher, this will be first dealt with by the Chair of Governors (Stage 3). Complaints against the Chair of Governors or any individual governor should be made in writing to the Clerk of the Governing Body.

**Stages of the complaint**

**Stage 1 (informal): complaint heard by staff member**

It is in everyone’s interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, all staff are made aware of the procedures, and they will know what to do when they receive a complaint. If a complaint is raised directly with a member of staff they should first clarify whether they have a complaint or a concern. They should inform the complaints co-ordinator as soon as possible and in any event the following working day at the latest.

We will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. If the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, they will refer the complainant to the complaints co-ordinator as soon as possible or in any event the following working day at the latest and advise the complainant about the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The complaint should be investigated by a member if staff. A response to the complaint will be given within 7 working days of the complaints co-ordinator receiving the complaint. This will include details about whether the complaint has been resolved or whether the complaint will be passed on to the Headteacher (Stage 2) the same day or the day after at the latest.

**Stage 2 (formal): complaint heard by Headteacher**

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. A response to the complaint will be given within 10 working days of receiving the complaint.
Stage 3 (formal): complaint heard by Chair of Governors

If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further. This should be within 10 working days of receiving the Headteacher’s response. Complaints should be investigated by the Chair of Governors and a response should be given within 15 working days of receiving the letter.

Stage 4 (formal): complaint heard by Governing Body Hearing Committee

The governing body has nominated a number of members with delegated powers to hear complaints at this stage, which form the Hearing Committee.

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the Hearing Committee. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene the Governing Body Hearing Committee, usually within 10 working days of receiving the letter from the Clerk.

The governors’ Hearing Committee is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The remit of Hearing Committee

The panel 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 systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a Hearing Committee needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so.

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
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d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child’s parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints procedure.

Checklist for a Hearing Committee

The Hearing Committee needs to take the following points into account:

• The hearing is as informal as possible.
• Witnesses are only required to attend for the part of the hearing in which they give their evidence.
• After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
• The Headteacher may question both the complainant and the witnesses after each has spoken.
• The Headteacher is then invited to explain the school’s actions and be followed by the school’s witnesses.
• The complainant may question both the Headteacher and the witnesses after each has spoken.
• The panel may ask questions at any point.
• The complainant is then invited to sum up their complaint.
• The Headteacher is then invited to sum up the school’s actions and response to the complaint.
• Both parties leave together while the panel decides on the issues.
• The Chair explains that both parties will hear from the committee within 7 working days.

Roles and responsibilities

The role of the clerk

The clerk would be the contact point for the complainant and be required to:

• set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
• collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);

• meet and welcome the parties as they arrive at the hearing;
• record the proceedings;
• notify all parties of the panel’s decision.

As best practice, the Clerk should share copies of the committee meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The role of the Chair of the Governing Body

The Chair of the Governing Body role:

• Check that the correct procedure has been followed;
• If a hearing is requested, notify the clerk to arrange the panel.

The role of the Chair of the Panel

The Chair of the Hearing Committee has a key role, ensuring that:
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• the remit of the panel is explained to the parties and each party has the opportunity of putting
  their case without undue interruption;
• the issues are addressed;
• key findings of fact are made;
• parents/carers and others who may not be used to speaking at such a hearing are put at ease;
• the hearing is conducted in an informal manner with each party treating the other with respect
  and courtesy;
• the panel is open minded and acting independently;
• no member of the panel has a vested interest in the outcome of the proceedings or any
  involvement in an earlier stage of the procedure;
• each side is given the opportunity to state their case and ask questions;
• written material is seen by all parties. If a new issue arises it would be useful to give all parties the
  opportunity to consider and comment on it.

Notification of the committee’s decision

The Chair of the committee needs to ensure that the complainant is notified of the committee’s
decision, in writing, with the committee’s response (including the reasons for the decision) within 7
working days. The letter needs to explain if there are any further rights of appeal and, if so, to whom
they need to be addressed.

The final stage of appeal is to the Secretary of State for Education.

If a complaint has completed the school’s process and the complainant remains dissatisfied, they
have the right to refer their complaint to the Secretary of State using the online form or in writing to:
Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

The Secretary of State will only intervene when they believe that the governing board has acted
unlawfully or unreasonably.

The SCU will not overturn a school’s decision about a complaint except in exceptional circumstances,
such as the school acting unlawfully.

Complaints not covered by this procedure

Complaints regarding the following topics should be directed to the LA:
• Statutory assessments of SEND
• School re-organisation proposals
• Matters which may require a child protection investigation
• Admissions to schools

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints about children being excluded from the school should be dealt with by following the
process explained at: https://www.gov.uk/school-discipline-exclusions/exclusions.

The school has an internal whistleblowing procedure for all employees and voluntary staff.

Staff grievances and disciplinary procedures will be dealt with using the school’s internal grievance
procedure. In these cases, complainants will not be informed of the outcome of any investigations.
This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

**Exceptional circumstances**
If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children’s Social Care and/or to the LA.
If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.
Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

**Vexatious complaints**
In the situation whereby, despite all stages of the procedure having been followed, the complainant still remains dissatisfied and the complainant tries to reopen the same issue, the chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation for the school to respond. However, should the complainant raise an entirely new, separate complaint, it will be responded to in accordance with the complaints procedure.

If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.

The complainant has the right to a third-party representative, such as the Citizens’ Advice Bureau, throughout the complaints procedure.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a ‘serial’ or ‘persistent’ complainant.

**Monitoring complaints**
The Governing Body monitors the level and nature of complaints, and review of outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary.
Complaints information shared with the governing body should not name individuals in case an appeal panel needs to be constituted.

**Barring from the premises**
School premises are private property and therefore any individual can be barred from entering the premises. If a parent’s behaviour is cause for concern, a school can ask the individual to leave the premises. The headteacher will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors. Once the school’s complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

**Reviewing the procedure**
- The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.
Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

Reviewed: December 2018
Due for Review: December 2020
Agreed by Chair of Governors and Headteacher
Appendix A – Complaint Form

Please complete and return to Mrs E. Dunning (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

<table>
<thead>
<tr>
<th>Your name:</th>
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<tbody>
<tr>
<td>Pupil’s name (if relevant):</td>
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<td>Your relationship to the pupil (if relevant):</td>
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<tr>
<td>Address:</td>
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<td>Postcode:</td>
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<tr>
<td>Day time telephone number:</td>
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<tr>
<td>Evening telephone number:</td>
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<td>Please give details of your complaint. (stating if any additional sheets are used)</td>
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<tr>
<td>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</td>
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<td>What actions do you feel might resolve the problem at this stage?</td>
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<td>Are you attaching any paperwork? If so, please give details.</td>
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<tr>
<td>Signature</td>
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<tr>
<td>Date</td>
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<td><strong>Official use</strong></td>
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<td>-----------------</td>
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<tr>
<td><strong>Date received</strong></td>
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<td><strong>Date acknowledgement sent</strong></td>
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<td><strong>By who:</strong></td>
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<tr>
<td><strong>Complaint referred to:</strong></td>
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<td><strong>Date:</strong></td>
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Grange Primary School
Appendix B: Complaints Record of Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Staff member</th>
<th>Action</th>
<th>Follow up/ further action/ additional information</th>
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Appendix C – Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member
- Clarify whether it is a concern or a complaint
- Ensure complaints co-ordinator aware of complaint
- Staff member allocated to investigate the complaint
- Response given to the complainant (within 7 working days)
- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by Headteacher
- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation (within 10 working days)
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Complaint heard by Chair of Governors

Acknowledge receipt of complaint
Write to complainant with outcome of investigation (within 15 working days)
Ensure complaints co-ordinator informed of outcome
Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – Governor’s Hearing Committee meeting arranged

Issue letter inviting complainant to meeting (within 10 working days)
Issue letter confirming committee’s decision (within 7 working days of meeting)
Ensure complaints co-ordinator informed of outcome
Advise of escalation routes to the Secretary of State for Education