

# ROXETH PRIMARY SCHOOL



## COMPLAINTS PROCEDURE & POLICY

*Governing Body Revised January 2022*

### *OUR MISSION STATEMENT*

*learning together, making progress, achieving goals*

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## 1. Introduction

### School Complaints Procedure

Roxeth Primary School is a dynamic and vibrant place to work and learn. We are proud of our identity as an inclusive school where every child is treated as a valued individual and is able to thrive. The staff team and governors work hard to create a safe, purposeful and harmonious atmosphere in which all of our children are given the opportunity to achieve. We have high expectations of each other and our pupils. The school works in partnership with parents and carers to ensure that all pupils are offered the support and encouragement that they need. We embrace our diverse community and rich variety of home languages, cultures, faiths and traditions.

#### **Aims and mission:**

##### **In Partnership with parents:**

- To promote academic and personal achievement through finding joy in life and learning
- To maintain a happy, secure, healthy and safe school
- To give praise and encouragement so that every member of the community is valued
- To learn to express our own thoughts and ideas confidently
- To work together, listening to one another, in order to understand differences between us
- To prepare our pupils to become active, creative, healthy responsible citizens

#### **Our Mission Statement**

*Learning together, making progress, achieving goals*

- **Pupil Admissions:** please see the School's Admissions Policy or contact Harrow Council Admissions team
- **Pupil Exclusions;** please see the school's Behaviour Policy
- **Special Educational Needs:** The Complainant can use this policy to complain unless the Complainant's child has an Education Health and Care Plan and the Complainant wishes to appeal against a decision that the Local Authority has taken. If this is the case, the Complainant needs to contact the Local Authority.
- **Staff grievance, capability or disciplinary;** these are covered by separate School Policies and Procedures
- **Anonymous complaints:** Please refer to the School's Whistleblowing Policy
- **Subject Access Requests and Freedom of Information Requests:** please see the School's Data Protection and Freedom of Information

We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible. The following lists specific topics and the correct policy to refer to should you have a concern or complaint. You can access some of these policies on the School Website or ask for a copy from the School Office. School Governing Bodies are required under Section 29 of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfES) 2019. Sometimes when concerns are more specific, there are alternative and more appropriate policies for dealing with them.

## 2. Aims and Principles of the Policy

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:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- 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 wherever possible.
- 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
- Maintain good relationships between the School and all those involved

The Governing Body has approved the following procedure which explains what the Complainant should do if they have any concerns about the school. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Where appropriate, the School may offer mediation to resolve a concern or complaint at any stage of the process

### 3. Definitions and scope

The DfES 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.

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 SENco (Special Educational Needs Co-ordinator) and they will then be referred to this complaints policy. Our SEN policy and information report 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

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.

#### **4.1 Raising Concerns**

The majority of concerns can be dealt with without resorting to the complaints procedure. Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, raise this with their child's Class Teacher or Head Teacher in the first instance. Ideally they will be able to address the Complainant's concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

#### **4.2 Recording Complaints**

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

A complaint may be made in person, by telephone, or in writing;

- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- Schools should record the progress of the complaint and the final outcome. The Headteacher or Complaints Co-ordinator should be responsible for these records and hold them centrally.
- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

#### **4.3 Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

#### **4.4 Social Media**

In order for complaints to be resolved as quickly and fairly as possible, we ask that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by the school and we expect complainants to observe confidentiality also. Please refer to the school's GDPR policy and Parents & Carers Social Networking Guidance 2019.

#### **4.5 Complaints that result in staff capability or disciplinary**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Headteacher and/or the

individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

#### **4.6 Complaints about the Headteacher or the Governors**

Where a complaint concerns the actions of the Headteacher, the complainant should first approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors care of the Clerk to the Governing Body that they wish to take a complaint forward. The Stage 2 process will then commence and the Chair of Governors will take the process forward.

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. This should be sent to the school office in an envelope or e-mail addressed to The Clerk to the Governors.

### **5. Stages of complaint (not complaints against the Headteacher or Governors)**

*(Flowchart of process at Appendix)*

#### **Stage 1: Informal**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints usually within 2 school working days, and investigate and provide a response usually within 10 school working days. Any complaints involving the governing body may take longer due to availability.

The informal stage will involve a meeting between the complainant and the Headteacher (or relevant person managing the complaint). The person looking into the complaint will try and attain as much information as possible and seek to find a resolution. The meeting may involve the class teacher or subject of the complaint if it is felt that it is relevant.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## Stage 2: Formal

### How to raise a complaint?

Formal complaints can be raised:

- By letter or email
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. This can be done using the form (See Appendix 1)

If complainants need assistance raising a formal complaint, they can contact the school office.

The Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation.

The Headteacher will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved;
- Meet or contact the Complainant if they need further information;
- Clarify how the Complainant may feel things could be put right, if this has not been set out in their letter or included on the Complaints form;
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record

The Headteacher will keep in mind ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may 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 (please note this is not an admission of negligence)
- 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 policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Headteacher will discuss the outcome with the Complainant and should send a detailed response within a maximum of 20 school working days. Where this proves to be unrealistic, the Complainant will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where the Complainant is unhappy about the decision the Headteacher has made about their complaint, this does not become a complaint about the Headteacher or staff member concerned. However, the Complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the Clerk to the Governing Body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel is convened.

### **How to escalate a complaint- If the Complainant is not happy with the actions of the Headteacher?**

If the Complainant is not satisfied with the response from the Headteacher at stage 2 they should be advised that the next stage is to put their complaint in writing to the Chair of Governors care of the Clerk to the Governing Body.

Complaints can be escalated by contacting the Clerk to the Governing Board:

- By letter or email- this should be sent to the school office and addressed to the attention of The Clerk to the Governors.

When writing the initial letter to the Chair of Governors (using the form at the end of this procedure) the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

The Chair of Governors should write to the complainant within 5 school working days of receipt of their letter, setting out who is conducting the investigation and that the investigator will write to the Complainant within a further 20 school working days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 school working days. The Complainant should be advised if this is the case.

The Chair of Governors will be responsible for carrying out an investigation or appointing another Governor to carry out the investigation who will then reach a conclusion based on the investigation. The involvement of the Local Authority should be sought where the issues cannot be resolved

internally by the school or the expertise of carrying out investigations is required. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating Governors may feel it necessary to meet with the Complainant. The Investigating Governor should produce notes of this interview.

Before the Investigating Governor interviews any member/s of Staff, they must be informed that they may be accompanied by a Colleague.

At the conclusion of their investigation the Investigating Governor will compile a report detailing their findings and any recommendations or proposed actions.

Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the Investigating Governor or in the case of an independent investigation, the Chair of Governors, will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school working days as set out above. The Investigating Governor may feel it appropriate to meet with the Complainant to communicate their findings.

The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld and an apology given;
- The complaint was substantiated in part or in full which may include details of how the school may improve future practice (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld;

At this stage the Complainant will be told that consideration of the complaint by the Chair of Governors at Stage 2 is now concluded. Where the Complainant is unhappy about the decision the Chair of Governors or Investigating Governor has made about their complaint, this does not become a complaint about the Chair of Governors/ Investigating Governor, however, the Complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the Clerk to the Governing Body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel is convened. See Stage 3 below.

### Stage 3: Submit the complaint to the review panel

If the Complainant is not satisfied with the response of the Headteacher or Chair of Governors (for a complaint specifically about the Head Teacher) which has not been resolved in the stage above then they must write to the Clerk to the Governing Body as soon as possible after receiving the decision, briefly outlining the content of the complaint and requesting that a Governor Complaints Panel is convened and marking any envelope or email “urgent, private and confidential”

*A letter can be handed into the school office marked for the attention of “The Clerk to the Governor’s”*

*The Clerk to the Governing Body will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the Complainant that three members of the School’s Governing Body will hear the complaint within 20 school working days of receiving the complaint. The letter will invite the Complainant to attend and also explain that they have the right to submit any further documentation relevant to the complaint. The Complainant may bring a friend or someone else for support.*

*A meeting of the Governors Complaints Panel will be convened. No Governors with prior involvement in the issues complained about will be included on the Panel and it may be necessary to use reserves (previously agreed by the Governing Body) to ensure the Panel can meet within the set time. An experienced Governor will chair the Panel meeting. The Clerk of the Complaints Panel will contact the Complainant with the arrangements.*

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

*Once the Panel has been held, the Complainant and the school will be informed of their decision within 5 school working days. If it is not possible to meet these timescales, then the Clerk of the Panel will contact both parties to discuss a mutually convenient date. Further information on how the Panel operates and the process is attached at Appendix 3.*

## 6. 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>

The School Complaints Unit can be contacted by calling the national helpline on: 0370 000 2288 or by going online at:

<http://www.education.gov.uk/help/contactus> or by writing to:

Department for Education  
School Complaints Unit  
2nd Floor,  
Piccadilly Gate  
Store Street  
Manchester M1 2WD

## 7. 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 (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.

## 8. Policy for unreasonable complaints

Our school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complaints as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

Examples: A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;

- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

**A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -**

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language.
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from school premises.

## 9. 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 a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any

representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

- Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## 10. 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.

## 11. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

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

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

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

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

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

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

## **12. Learning lessons**

The Governing Board will review any underlying issues raised by complaints with the Headteacher/ Senior Leadership Team or relevant person 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.

## **13. Monitoring arrangements**

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. 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 Headteacher.

This policy will be reviewed by the Headteacher every two years.

At each review, the policy will be approved by the Resources Committee

**Approved: Governing Body 13<sup>th</sup> January 2022**

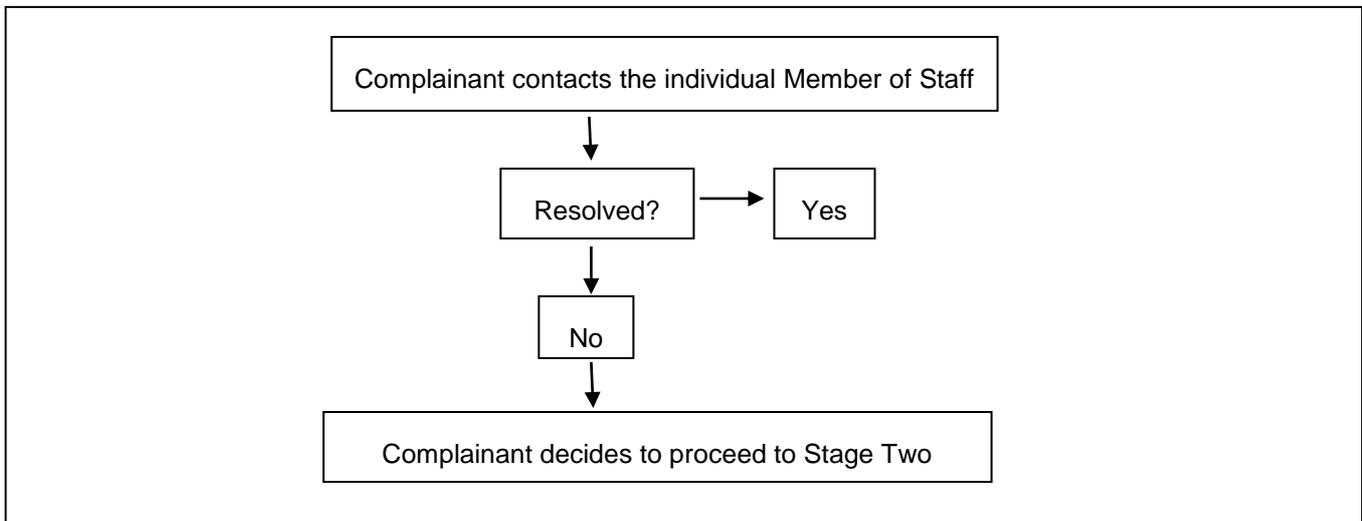
**To be reviewed: January 2025**

**Appendix 1- Record of complaint**

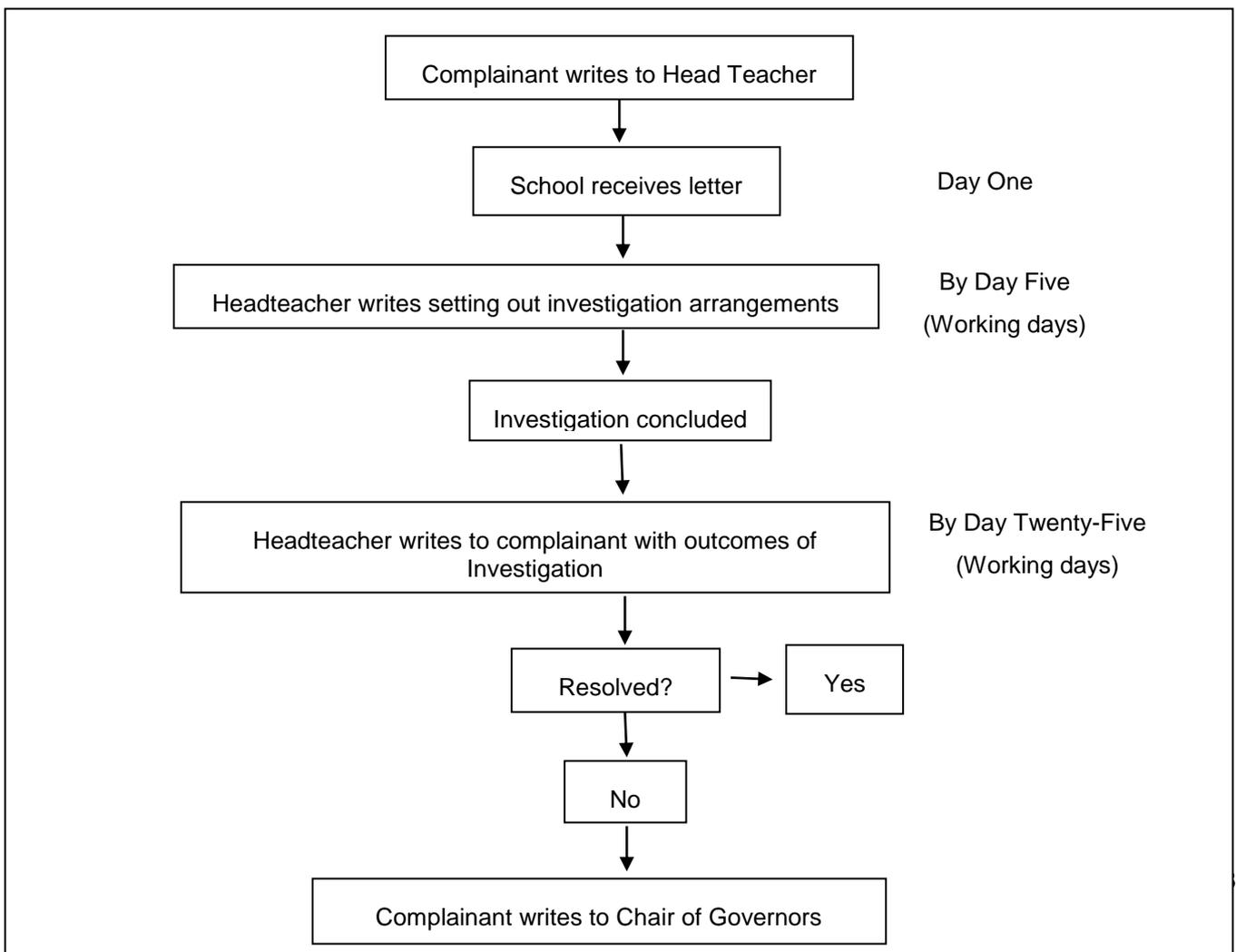
Please complete and return to ..... who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
<b>For Office Use only</b>	
Date acknowledgement sent	by Whom
Complaint referred to:	Date:

## Appendix 2 - Roxeth Primary School Complaints Procedure– Flowchart

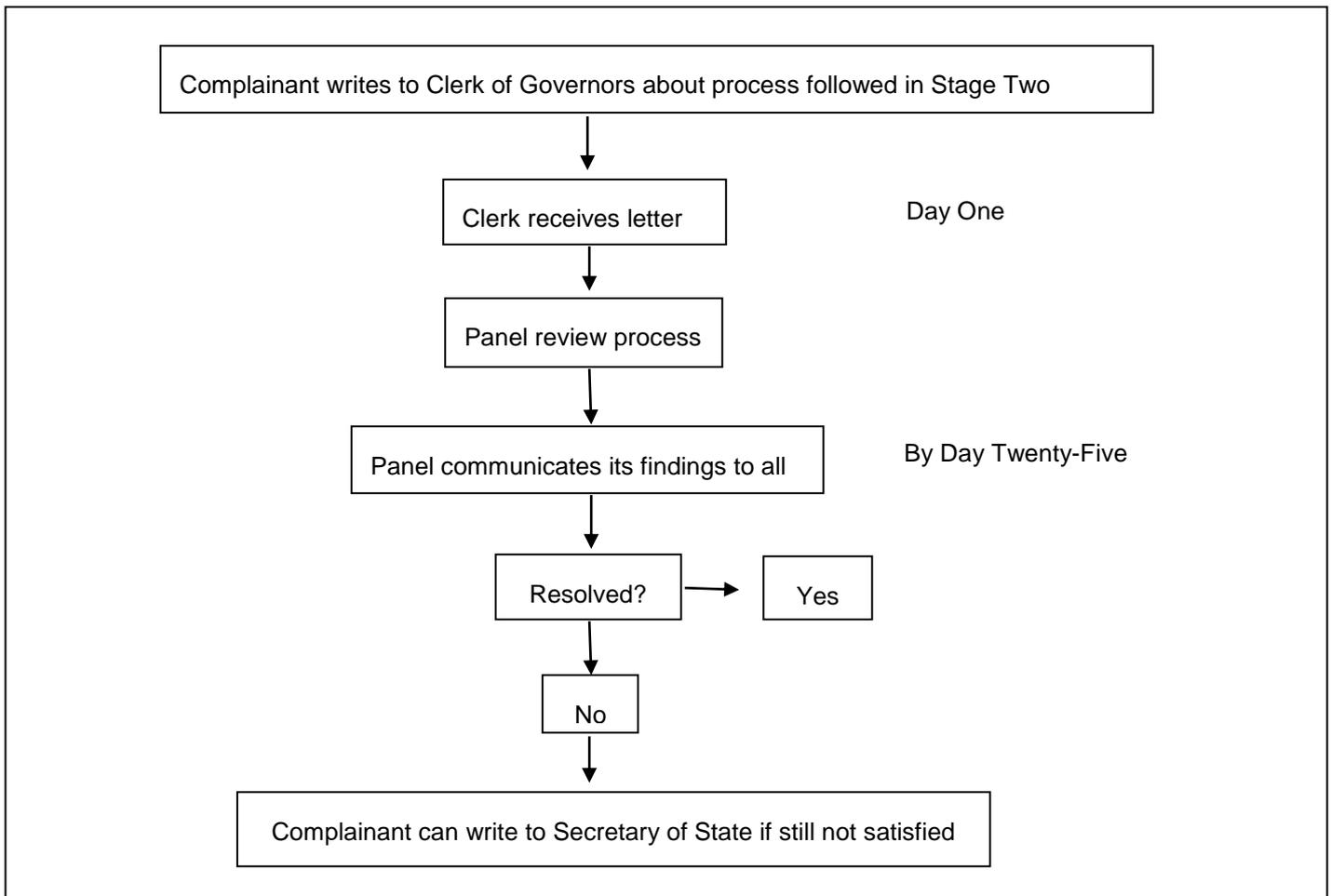
### Stage One Informal Stage



### Stage Two Formal Stage



Stage Three  
Governors Review Panel



Note: - If the complaint is about the actions of the Headteacher then the Chair of Governors carries out the Headteacher's role as indicated above.

### *Appendix 3 -Governor Complaints Panel procedure*

- At the Panel hearing:
- The Complainant will have the opportunity to present their complaint.
- The Head Teacher (or Investigating Governor) will explain the school's position.
- Those present will have the opportunity to ask questions.
- Panel members will have the opportunity to ask questions of the complainant and the Head Teacher.
- The Head Teacher (or Investigating Governor) will be given the opportunity to make a final statement to the Panel.
- The Complainant will be given the opportunity to make a final statement to the Panel.
- The Chair of the Panel will ask the Complainant if he or she feels they have had the opportunity to say everything they wish to say.

The Chair of the Panel has responsibility to ensure that detailed minutes are taken.

The Chair of the Panel will explain to the complainant and Head Teacher (or Investigating Governor) that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and:

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

A written statement clearly setting out the decision of the Panel must be sent to the Complainant and Head Teacher or Investigating Governor. The letter to the Complainant should also advise how to take the complaint further.

The School should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

## **Appendix 4 - Procedure to manage complaints about School Governors**

### **General principles**

The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance;
- complaints should be resolved as quickly as possible;
- the process of resolving a complaint should not undermine the work of the governing body;
- where help and support is needed in managing a complaint against a Governor, this could be sought from another school governing body

A Governing Body should conduct its workings with a clear set of expectations of their role and behaviour.

### **Categories of complaints**

**Complaints against Governors can be categorised:**

- (i) those from other Governors on the governing body;
- (ii) those from members of the public which includes parents;
- (iii) NB: members of the school staff – See Staff Grievance Policy.

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the Governing Body, which would normally fall to the Chair to manage.

**Where the complaint is made against the Chair then:**

- (i) it could be passed to the Vice-Chair; or
- (ii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to the Chair of another School Governing Body with whom the Governing Body has made a prior collaborative agreement to investigate and then forward the recommended outcomes to the Vice Chair.
- (iii) by agreement of the Governing Body at an Extraordinary Full Governing Body Meeting, passed to an experienced Governor who will forward the recommended outcomes to the Vice Chair.

The Governing Body need to consider to what extent the internal investigation of a complaint against a Governor by another Governor generates a conflict of interest or prejudice.

No member of the school staff, including the Head Teacher, should be involved in the investigation of a complaint against a Governor other than as a witness.

## Procedure

This procedure is for complaints from members of the public, parents and Governors.

- 1 All complaints must be in writing to the Clerk, which includes email. For complaints against the Chair the procedure below will be undertaken either by the Vice Chair or an Independent Investigator
- 2 The Chair must inform the Governor against whom the complaint is made, the content of the complaint and how it is to be managed.
- 3 All complaints must be reported to the Governing Body as soon as is practicable, however the information must be restricted to: (a) the date the complaint was received; and (b) against which Governor the complaint is made.
- 4 Unless otherwise agreed by the Governing Body, the Complaint should be managed by the Chair.  
The Chair may wish to seek advice from the Local Authority.
- 5 The Chair should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint, the complainant should be able to supply evidence.
- 6 It may be that due to the nature of the complaint, the Chair can resolve the issue at the initial meeting and no further action be taken.  
This outcome should be reported immediately to the Governor who the complaint is against and the Governing Body.
- 7 Where the complaint cannot be resolved at the initial meeting with the Complainant, the Chair will need to meet with the Governor concerned and put to them the complaint in order for them to make a response.
- 8 The Chair or Vice Chair will write a letter to the complainant providing an outcome to their complaint.
- 9 The outcome of the complaint could be that:
  - (i) the complaint is dismissed;
  - (ii) the complaint is upheld in part or whole and a letter of apology is sent to the Complainant;
  - (iii) Complaint is detrimental to the reputation of the Governing Body and the Governing Body refer to their Code of Conduct for next steps in line with regulations.
- 10 The outcome of the complaint needs to be recorded in the minutes of the Governing Body meeting, for example:

Complaint was resolved                      or

A complaint was made against a Governor and investigated with the outcome being x. Where possible the time lines of the Complaints Policy should apply to this Appendix.

## **Appendix 5 -Roles and responsibilities**

### **The complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she: -

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Co-ordinator (or Head Teacher)**

The complaints co-ordinator should: -

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2016.
- liaise with staff members, Head Teacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding: -
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include: -

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

- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that: -

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have 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 – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

## Panel Member

Panellists will need to be aware that: -

- it is important that the review panel 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. The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must 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. Many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent

wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests. The welfare of the child/young person is paramount.

## Interviewing Best Practice Tips

### Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

### Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ Head Teacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.