

# Boundary Primary School



## School Complaints Procedure

Date policy implemented: September 2019

Adopted by Governors:

Review Period: 2 Yearly

Person Responsible for policy: Headteacher

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## **1.0 INTRODUCTION AND SCOPE**

### **1.1 Legal context**

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England were required, under Section 29 of the [Education Act 2002](#), summarised in Appendix 1, to have in place a procedure to deal with complaints relating to the School and to any community facilities or services that the School provides. The law also requires the procedure to be publicised.

On 1 September 2010, The Education (Independent School Standards) (England) Regulations 2010 which outline the provisions for complaints within Academies came into force. The handling of Complaints can be seen under Part 7 which makes it clear that it is the responsibility of the proprietor to ensure the welfare of all pupils and set out the arrangements that a proprietor must have regard to in order to safeguard pupils at the school

The School Standards and Framework Act 1998 provided an additional function of the Governing Body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

### **1.2 Scope**

The Policy of the School is to work in partnership with parents and is based on the belief that co-operation and a sense of joint purpose between staff, parents and the School will assist in ensuring open and positive relationships. From time to time, however, parents or members of the public may express concern or make a complaint, either orally or in writing, about the conduct of the Headteacher or an individual member of staff.

This policy can not be used where there may be a complaint or grievance against members of staff within schools or academies. In cases such as these, there are alternative procedures which can be obtained for consideration via your school administrator.

Anonymous complaints will continue to be considered and an outcome of any findings will be recorded in the schools recording systems. In dealing with complaints, the School will ensure that they are dealt with effectively and with fairness to all parties.

Schools/Academies will have different procedures for complaints or appeals about the curriculum, special educational needs provision, exclusions, and admissions. Disciplinary action, child protection or criminal investigations are also dealt with through separate specific procedures. This document provides advice and guidance on how Schools/Academies should respond when an external complaint has been made about the actions of School staff.

A copy of the complaints procedures can be found on the School website.

A written copy may be obtained upon request from the School.

- 1.3 It is encouraged to resolve any areas of concern(s) informally before the formal process is commenced, however, in some circumstances the seriousness of the complaint could lead to the commencement of this procedure at the formal stage.
- 1.4 It is recommended that the Governing Body ensures that any third party provider offering community facilities or services through the school premises, or using school facilities, have their own complaints procedures in place

## **2.0 COMPLAINTS**

### **2.1 What is a complaint?**

- a. For the purposes of this procedure a complaint is described as an expression of dissatisfaction about the conduct of, actions or lack of action by a member of staff, unacceptable delay in dealing with a matter or unreasonable treatment of a pupil or other person. The complaint needs to put in writing or if made verbally will be verified by the complainant and the school / academy
- b. This procedure does not cover complaints under legislation for which separate arrangements are in place for example those relating to:
  - the National Curriculum
  - Collective Worship
  - Freedom of Information Access
  - School Admissions
  - Pupil Exclusions
  - Staff Grievance
  - Statementing procedures for Special Educational Needs
  - other functions of the Governing Body.
- c. Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also the subject of separate procedures, which may involve other agencies. Where this may be the case, contact should be made with the Headteacher in the first instance.

Except in exceptional circumstances previous stages of the procedure should be exhausted before a complaint is referred to a subsequent stage.

## **3.0 GENERAL PRINCIPLES**

### **3.1 Who to complain to:**

If the complaint is about:

- something that has happened or failed to happen in the school, contact the Headteacher;
- the actions of the Headteacher, contact the Chair of Governors via the school;
- the actions of a governor, contact the Chair of Governors via the school;
- the Chair of Governors, contact the Clerk to Governors via the school;
- the actions of the governing body, contact the Clerk to Governors via the school.

The School and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedure allows for more formal considerations of a complaint and an appeal stage if matters cannot be resolved and may in some stages require an independent investigating officer to be included in the process. Where this is the case, this will be fully communicated to the complainant.

Where a complaint is made against an individual member of the School staff, that person will be informed of the complaint at the earliest opportunity, in writing and will be provided with a copy of the complaint. Full confidentiality must be adhered to at all times during these processes and it is important to note, that anonymity of the complainant cannot be guaranteed.

These procedures are in addition to the School's Whistleblowing procedures and other statutory reporting procedures applying to the School. The school is responsible for making service users aware of the existence of these procedures and it is important to note that should members of staff have concerns they wish to raise in confidence, the Whistleblowing Policy should also be referred to in order to establish the correct procedure to use for the individual situation.

### **3.2 Timescales**

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 10 School days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays in writing.

Schools do not operate during school holiday dates therefore this can often lead to confusion of timescales for complaints being dealt with. Complaints will therefore not be dealt with during school holidays and will be completed at the earliest opportunity on returning to school.

Where a complaint leads to criminal proceeding this will always be the case, therefore timescales within this procedure may need to be reviewed.

### **3.3 Confidentiality**

All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and governors on a 'need to know' basis. It is essential that any information shared with any party (including Staff and Governors), as a result of this procedure, is kept strictly confidential.

It is essential that Governors do not discuss any matters disclosed to them with other members of the Governing Body, to ensure that sufficient Governors have no prior knowledge of the complaint to enable a complaints panel to be convened, if required, at the Formal Stage. It is also essential that Governing Body's are mindful that details of situations occurring within the school should not be discussed or made reference to at any Governing Body Meetings.

### **3.4 Accompaniment**

Throughout this procedure, all parties will have the opportunity to be represented. In the case of a member of staff you may bring along to any informal or formal meetings a Union representative, friend or colleague and in the case of a Parent, you may be represented by a friend or a colleague at any informal or formal stages. It is not appropriate for Solicitors or representatives of similarly professional environments who are not linked to a Professional Trade Union, to be present at any formal meetings.

### **3.5 Recording and monitoring complaints**

Governing Bodies are legally required to publicise their Complaints Procedure. The Governing Body must decide how to fulfil this requirement but details of the Complaints Procedure could be included in:

- Information given to new parents when their children join the School.
- Information available to the children themselves.
- School bulletins or newsletters.
- The School website.
- Information given to community users and in letting agreements.
- A specific complaints leaflet which includes a form on which a complaint can be made.
- Posters displayed in the main entrance or reception area of the School and others used by the public.

A record of complaints, how they were dealt with and the outcome should be maintained as a separate complaints file, in the interests of the members of staff concerned and the Headteacher.

The School should maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

### 3.6 Resolving Complaints

**It is useful to encourage complainants to indicate what actions they feel might resolve the problem.**

In this respect it should be noted that complainants' views on this may be unreasonable and they should be made aware of what are reasonable and appropriate outcomes in relation to the specific nature of their complaint.

Identifying areas of agreement and clarifying any issues can also create a positive atmosphere in which to discuss any outstanding issues.

### 3.7 Unreasonable, Malicious and Persistent Complaints

A good complaints procedure which has been properly followed will limit the number of protracted complaints. There will, however, be occasions when the complainant remains dissatisfied even though all stages of the Complaints Procedure have been completed. If the complainant continues to raise the same issue it is reasonable for the Chair of Governors to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant raises an entirely new separate complaint it must be responded to in accordance with this procedure

### 3.8 Serious allegations or complaints

If the allegations refer to criminal activity, which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of Human Resources. If allegations refer to safeguarding children, advice should be sought from the Local Authority Designated Officer (LADO) and Human Resources.

If the allegations involve financial or accounting irregularities or circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of Human Resources so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of their Human Resources provider. **Serious allegations of this nature must be referred under School's Child Protection Procedures** to the Local Authority (It will usually be necessary for a strategy meeting to be convened in order to consider a way forward).

If the allegations refer to maladministration of tests, the appropriate authority should be contacted (in the case of Primary Schools, the Standards and Testing Agency, in the case of Secondary Schools, the appropriate examination board). Advice can be sought from the Local Authority School Improvement Officer with responsibility for assessment.

In all the above, consideration will be given under the appropriate procedures where necessary.

Any complaint or expression of concern judged by the Headteacher to be serious will be dealt with under 4.3.

Anonymous complaints will continue to be considered and an outcome of any findings will be recorded in the schools recording systems.

## **4.0 THE COMPLAINTS PROCEDURES**

**During all Informal and Formal stages of this procedure, it is important that only the Headteacher or the Chair of Governors is involved as the Investigating Officers, and that members of the Governing Body are not involved as they may be required to support any complaints panel hearing, if required, at the Formal Stage which may result from an investigation of the complaint. In exceptional circumstances, an independent investigator from the Local Authority may be asked to carry out the investigations by the School and a request may be made by the complainant for this to be considered.**

*In dealing with complaints the school will take account of its public sector equality duty and have due regard to the need to:-*

- *eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010*
- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*
- *foster good relations between persons who share a relevant protected characteristic and persons who do not share it*

## **4.1 THE COMPLAINTS PROCEDURE**

### **Stage 1 – Informal Stage**

**Complaints concerning the school curriculum and other related matters are usually settled quickly and informally by visiting the school, where a member of staff will discuss and consider the matter of concern to parents.**

- If you have a concern or a complaint you should initially speak to your child's class teacher.
- If he/she cannot resolve the matter, you should then discuss it with the Deputy Head Teacher or Head Teacher who will log it on a parental concern form.
- If you are not a parent at the school, then please address your concerns to the Head Teacher or Deputy Head Teacher at the school.
- If the matter cannot satisfactorily be resolved, a formal complaint procedure is available.

**Our aim is to settle any complaints as quickly as possible at Stage 1 of the procedure.**

### **Stage 2. Formal Complaints**

When a formal complaint is received (either letter or optional Stage 2 form) the matter is fully investigated by the Head Teacher or Deputy Head Teacher. We will explain the school's complaint's procedure to you and give you a copy. We will inform you how long we expect our investigation to take and arrange a time to contact you again. All the relevant parties involved will be interviewed and their responses recorded.

On investigating all the evidence available, the Head Teacher or Deputy Head Teacher will inform you of the results of the investigation. The results of this communication are also recorded on a concern form.

**The aim of this process is to satisfactorily resolve the matter.**

### **Stage 3.**

If the matter cannot be resolved to your satisfaction, you should write to the Chair of the Governing Body – Mr J Truelove at the school address. A proforma for complaints is available through the school office and on the website. The chair of Governors is the first contact point for investigating complaints.

He will contact you to find out more about your concerns and then will investigate your complaint. The Chair of Governors will then write to you on behalf of the Governing Body with the results of their investigation.

On receipt, the Chair of Governors will:

- Ensure the complainant is aware of the procedures;
- Look at the written record of the complaint (someone else may write this on behalf of the complainant);
- Formally acknowledge the complaint;
- Seek advice as appropriate from Human Resources
- If the complaint concerns a member of staff inform them and provide them with a copy of the complaint;
- Prepare a report as a result of the investigation and consider actions to be taken;
- Advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 10 School days;

This stage would normally be expected to take no more than 10 School days. The Governing Body should be informed in general terms of all formal complaints.

If the Chair of Governors is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at the Governors Complaints Committee stage.

**The aim of this process is to satisfactorily resolve the matter.**

#### **Stage 4 - Governors Complaints Committee and Appeals**

If the complainant is dissatisfied with the outcome of the Chair of Governor's investigation they should write to the Clerk of the Schools Governing Body within 10 School days of the receipt of the outcome at the previous stage, stating why and request that their complaint be referred to the Complaints Panel of the Governing Body.

A meeting of the Complaints Panel will be convened within 10 School days of the request.

The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. It may also be inappropriate for the Complaints Panel to include teacher or staff Governors.

HR will assist the Committee and to offer advice as required.

At least 5 School days before the meeting, members of the Complaints Panel should receive papers about the complaint which should include as appropriate:

- A copy of the original complaint.
- An outline of any investigation carried out by the Investigation Officer Informal Stage
- A copy of the letter sent to the complainant about the outcome at Informal Stage
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Informal Stage
- A copy of the letter to the Investigation Officer requesting an investigation at Formal Stage
- An outline of any investigation carried out by the Investigation Officer at Formal Stage
- A copy of the letter sent to the complainant about the outcome at Formal Stage
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage
- A copy of the letter requesting that the complaint is heard by the Governors Complaints Committee.
- A copy of the Schools current adopted Complaints Procedure

The Committee will:

- Consider the written materials;
- Consider the complaint and the Headteacher's (or Chair's) action;
- Invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting
- Seek advice and support as necessary

At the end of their consideration the Committee 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.
- and will:
- Advise the complainant of the Complaints Panel's decisions in writing within 5 School days.
  - Advise the complainant of any further action they may wish to take if they remain dissatisfied.

The Panel will have an opportunity to question the complainant, Headteacher and/or Chair of Governors/delegated investigating person when they have stated their cases. When the Complaints Panel is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome.

***N.B.** In the event that further information is needed and it is not available at the time the meeting may be adjourned and reconvened at a mutually convenient time. This should be as quickly as possible and wherever practicable within 5 School days.*

**The decision of the Complaints Panel is Final.**

**4.2 Withdrawal of a complaint**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing/email. The individual of whom the complaint refers will be informed that the complaint has been withdrawn

**4.3 Complaints Record**

The School will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

**4.4 Complaints about a governor, the Chair of Governors or the Governing Body**

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body.

**5.0 FURTHER RECOURSE FOR COMPLAINANTS**

**5.1 To the Secretary of State for Education (Schools only)**

With effect from 1<sup>st</sup> August 2012, Blackpool Councils Education Services has no statutory role in resolving external complaints about the actions of School staff. However, where a complainant feels that a complaint which has not been resolved

by the school, in line with Section 45 of the Education Act (2011) the complaint should be addressed to the Secretary of State for Education.

Complaints should be sent to The Secretary of State, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. The form to be completed can be accessed at

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

## **5.2 The Education Funding Agency (EFA) (Academies Only)**

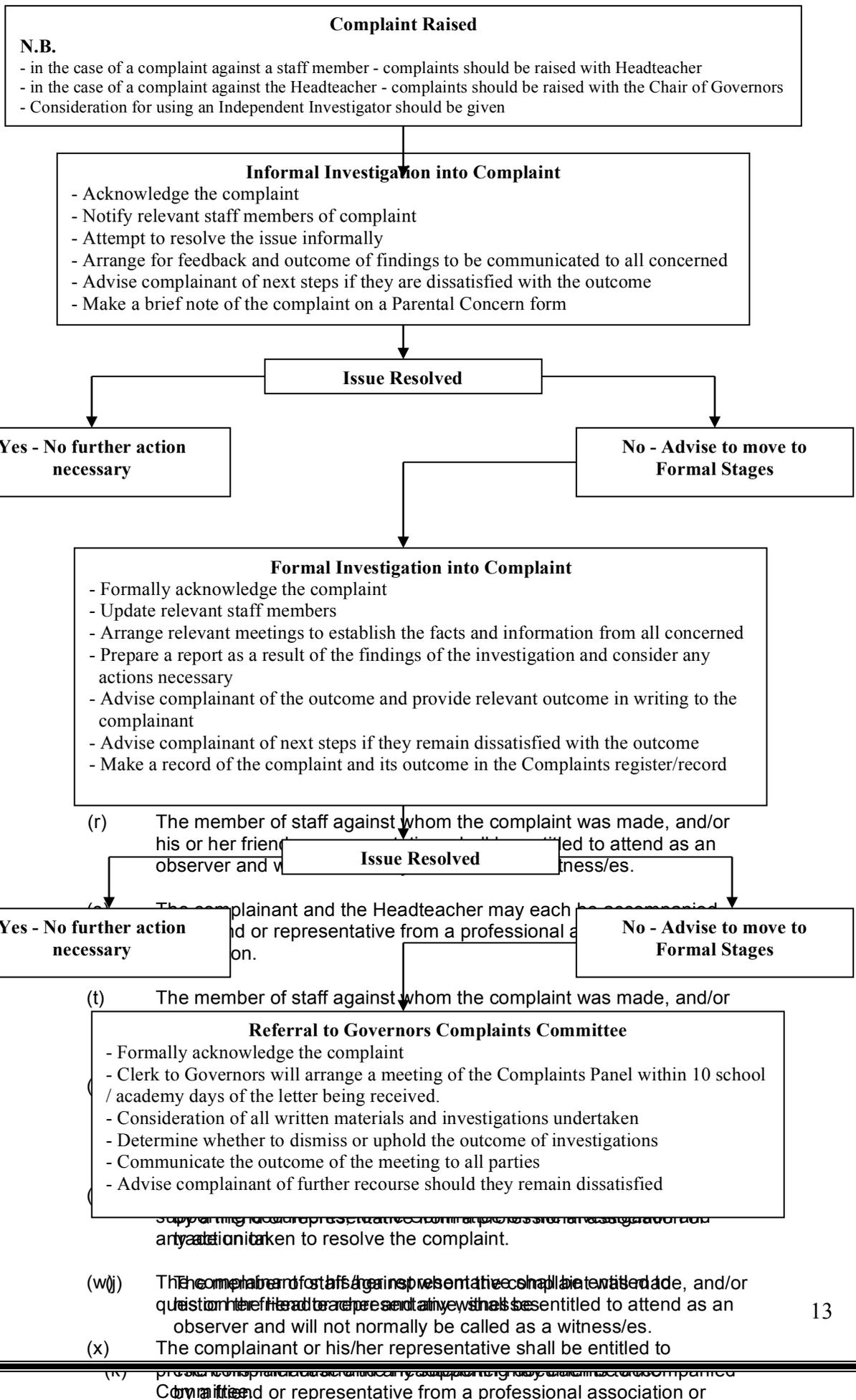
The EFA will normally only consider a complaint about an academy after the academy's own complaints procedure has been exhausted.

The EFA cannot review or overturn decisions about complaints made in respect of academies. The EFA can only investigate whether the Academy considered the complaint appropriately. If the EFA finds that an academy did not consider a complaint appropriately it can request the Academy to re-consider the complaint.

Complaints should be sent by post to EFA Institution Complaints, Young People's Programme Management, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH or by e mail to

<https://www.education.gov.uk/help/contactus/efa>

# APPENDIX 1: COMPLAINTS FLOWCHART



## **APPENDIX 2: Stage 2**

### **Boundary Primary School- Complaint Form**

(Stage 2)

Please complete and return to school office who will acknowledge receipt and pass to Miss Ashton.

<b>Your Name</b>
<b>Pupils Name</b>
<b>Your relationship to pupil</b>
<b>Address</b>
<b>Daytime Phone Number</b>
<b>Please give details of your complaint</b>
<b>Stage 1 of the procedure. Who did you speak to? What response did you receive?</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Signature</b>
<b>Date</b>

### **Appendix 3**

## **Boundary Primary School Complaint Form**

(Stage 3)

Please complete and return to school office who will acknowledge receipt and pass to the Chair of Governors – Mr Jamie Truelove

<b>Your Name</b>
<b>Pupils Name</b>
<b>Your relationship to pupil</b>
<b>Address</b>
<b>Daytime Phone Number</b>
<b>Please give details of your complaint</b>
<b>What action have you already taken to try to resolve your complaint? (who did you speak to and what was the response?)</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Signature</b>
<b>Date</b>