



## Hagley Primary School

# Complaints Procedure and Policy

**Date: June 2019**

**Date of review: June 2020**

**Responsible member of staff: Mr Rob Tindell**

**Signature:**

*(Chair of Governors)*

**Signature:**

*(Head Teacher)*

## **Practical advice for parents and carers who want to raise a concern about the school**

### **The School's Complaints Procedure**

Whilst we are very proud of our school, we know that no one gets things right all the time. We are committed to working with you to provide the absolute best for all of our children and this includes responding quickly and proportionately to concerns that you raise. We believe that learning is a lifelong endeavour, and we have systems in place to monitor any concerns and complaints received so that we can evaluate how quickly we resolved matters and how effective the resolution was and use this to improve our practices.

The following sets out how we will work with you to resolve any concerns that you raise as quickly and as informally as possible.

This procedure is appropriate for use not only by parents and carers but by any person who engages with the school, including members of the local community.

### **School Resolution (Informal Stage)**

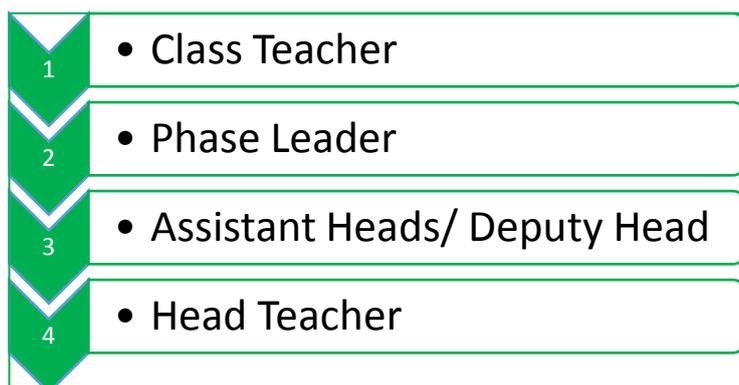
If you are concerned or unhappy with the way the school or a member of its staff has treated you, or you are concerned or unhappy with the way the school is operating its policies and procedures, then you can raise your concerns or make a complaint.

Usually the best way to deal with a concern or complaint is for the member of staff, Head Teacher or school Governor to talk with you so that they can understand what your concern or complaint is about, and take any appropriate action to put things right. The school will determine who is most appropriate to carry this out depending on the nature of the concern.

### **Guidance Notes for Concerns**

We would like you to tell us about any concerns that you may have and we welcome suggestions for improving our work in the school. Please tell us of your concern as soon as possible as it is difficult to investigate properly an incident or problem that happened some time ago.

### **Lines of communication**



In order to address any of your concerns as quickly and as thoroughly as possible, please follow the lines of communication set out above.

#### **1) Class Teacher**

Your first point of contact will always be your child's class teacher as most concerns can be sorted out through this means. Every effort will be made to resolve your concern. Staff will listen to your worries and may also share any actions that they or the school have taken out. They will ask you what you would like the school to do to put things right. Of course this does not mean that in every case they will come round to your point of view but it will help you and the school to understand both sides. It may also prevent a similar problem arising again. It is

important that problems are discussed calmly and sensibly so that concerns are resolved in the best interests of the child/children.

## **2) Phase Leader**

If you feel that your concerns have not been dealt with to a satisfactory resolution via the class teacher then the next point of contact will be your class teacher's Phase Leader. This person oversees the 2 year groups and you will be able to make an appointment to see them (possibly alongside your child's class teacher) in order to address your worries.

## **3) Assistant Heads/Deputy Head**

Following the Phase Leader's involvement, if you still feel dissatisfied then at this point you can make an appointment to speak with either the Assistant Heads or the Deputy Head. They may call upon either the phase leader or the class teacher to join everyone in the meeting.

## **4) Head Teacher**

If you are dissatisfied with the Assistant Heads/Deputy Heads response you can log this concern with the Head Teacher. This should be made in writing.

If your concern is about an action of the Head Teacher personally, then you should refer it to the Chair of Governors. You can address your letter to the school.

The Head Teacher will conduct a full investigation of the concern and may interview any members of staff or pupils involved. You will receive a written response to your concern.

School Resolution is a way of dealing with your concern or complaint means solving, explaining, clearing up or settling your concern or complaint directly with you. It will not result in conduct or capability action being taken against an individual member of staff, and the complaint will be closed after the process is completed.

Resolving your complaint in this manner can help to improve the service your community receives from the school. We ask that you do not share your concerns/grievances on social media, please speak with a staff member instead.

### **How does the school resolution process work?**

Once you have raised your concern or complaint, the person who is looking into it will contact you within 2 working days (in term time). They can arrange to talk to you face-to-face, on the telephone, or they can contact you by letter or email if you prefer.

For your part, you will need to:

- Tell the school what happened and how you felt about it at the earliest possible opportunity
- Say what action you would like to see taken as a result
- Agree the process for resolving your concern or complaint
- Treat any person(s) involved in the complaint with respect

This School Resolution process is not about apportioning blame or about staff being dealt with through formal conduct or capability procedures – schools are centres of learning for everyone, and it is about learning from what has happened and working with you to make sure it doesn't happen again.

For its part, the school will:

- Listen to your concerns
- Explain what can happen to resolve your concern or complaint
- Confirm with you the process that will be followed and who will deal with it if necessary, carry out a more detailed investigation into your concern or complaint. This is called a 'School Investigation' (see section on 'School Investigation' at the end of this document)
- Provide information for parents and carers of children with SEND (Special Educational Needs and Disability) about how they can access support from SEND Information, Advice and Support Service, Tolladine Rd, Worcester, WR4 9NB, Telephone: 01905 768153, Email: [sendiass@worcestershire.gov.uk](mailto:sendiass@worcestershire.gov.uk).

## **What can I expect from the School Resolution?**

Most concerns or complaints are not likely to involve extensive or lengthy enquiries, and therefore you should expect an approach that is proportionate to the issue you have raised.

As the School Resolution process is aimed at quickly resolving your concern or complaint and learning from it, it won't lead to conduct or capability proceedings against a member of staff. However, where appropriate, the member of staff might receive further support or training as a result.

If your concern or complaint is an expression of dissatisfaction with something the school has either done or not done, and not about somebody - for example, about the way the school operates its policies or is directed to fulfil its statutory obligations - then it will still be resolved using this 'School Resolution' approach.

## **What happens next?**

There are different ways of dealing with the concern or complaint using the School Resolution Process. These include:

- Immediate resolution by providing information face-to-face or by telephone, as you choose
- A letter from the school concluding the matter after proportionate consideration, explaining what has been done
- Individual communication between you and the person your concern or complaint was about and/or a face-to-face meeting with the person your concern or complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place

When the named person has looked into your concerns you will receive further communication from the school within 5 working days of the original concern being raised. However, if the concern is complex, the person working on the School Resolution may contact you to let you know that more time is needed to look more fully into the matter.

## **What might happen as a result?**

The school could take the following actions to resolve your concern or complaint:

- Give you information or an explanation to clear up a misunderstanding
- Apologise on behalf of the school
- Learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- Arrange action by the Head Teacher to address an issue with a member of staff through support and development
- Apologise on behalf of the person your concern or complaint was about but only if they agree to this
- Arrange action by the Governing Body to address matters of policy or procedure

## **School Investigation – The Formal Complaints Procedure (Stage 1 and 2)**

If the complaint is about the Head Teacher or one of the Governors, then any letter of complaint should be addressed to the Chair of Governors c/o the school. If the complaint is about the Chair of Governors, then this should be addressed to the Vice Chair of Governors.

Stage 1 will be carried out by the Head Teacher, a delegated member of staff or a Governor in the school. If the complaint relates to the Head Teacher the complaint will be investigated by a Governor.

Although this is a formal investigation into your complaint, it will still be in the spirit of quickly reaching an effective outcome and maintaining positive and productive relationships. All parties

need to work together to maintain productive relationships, and establish a way forward in partnership. This investigation may call for more information to be gathered before the person investigating can explain what has happened from the perspective of the school or the staff member involved. This way of dealing with your concern or complaint means solving, explaining, clearing up or settling your complaint directly with you, but doing so with a more detailed investigation than at a School Resolution level.

### **How does the School Investigation process work?**

Once you have raised your concern or made your complaint, the Head Teacher, member of staff or Governor who is looking into it will contact you within 2 working days (term time). They can arrange to talk to you face-to-face, on the telephone or they can contact you by letter or email.

For your part, you will need to:

- Tell the school what happened and how you felt about it at the earliest possible opportunity
- Say what action you would like to see taken as a result
- Agree the process for resolving your concern or complaint
- Agree timescales and pathways for communication
- Treat any person(s) involved in the complaint with respect

For its part, the school will:

- Listen to your concerns
- Explain what can happen to resolve your concern or complaint
- Confirm with you the process that will be followed and who will deal with it
- Carry out a more detailed investigation into your concern or complaint
- Produce and supply all parties with a written report of the findings
- Ensure that any relevant findings are taken forward to influence school practice and policy

### **What can I expect from a School Investigation?**

Some concerns or complaints may demand more detailed and perhaps time consuming enquiries, and therefore you should expect an approach that is proportionate to the complaint you have made. The person investigating your concern should keep in regular contact to keep you informed of progress on the matter.

Nevertheless, the School Investigation process aims to quickly resolve your concern or complaint and identify any learning from it.

### **What happens next?**

Your concern or complaint will be the subject of a proportionate investigation. This means that the amount of time dedicated to the matter will be in accordance with the seriousness of the matter.

At the conclusion, one of a number of things **may** follow. These include:

- Resolution by providing information face-to-face or by telephone – as you choose
- A letter from the school concluding the matter after a proportionate investigation and explaining what has been done
- If your complaint was about an individual, individual communication between you and that person. This is organised through the Head Teacher or the person dealing with your complaint
- A face-to-face meeting with the person working on your concern or complaint and/or the person your complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place

The School Investigation should be completed within 10 working days when you will receive a letter explaining the findings and any actions that may need to happen as a result. However, in

complex matters it may take longer. The person investigating will keep in regular contact with you to keep you informed of progress.

### **What might happen as a result?**

The school could take the following actions to resolve your concern or complaint and will provide feedback to you on such actions:

- Give you information or an explanation to clear up a misunderstanding
- Apologise on behalf of the school
- Learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- Arrange action by the Governing Body to address matters of school policy or procedure
- Arrange feedback and support by the Head Teacher to address any issues arising about a member of staff and their actions or behaviour
- Apologise on behalf of the person your complaint was about, but only if they agree to this

### **Appeal against the decision made by the School Investigation (Stage 2)**

The School Investigation stage of this complaints procedure includes an appeal process should you not be satisfied with the outcome of the investigation. Following our initial investigation, we will write to you to let you know of your right to appeal and you will have 20 working days to let us know if you would like to do so. (This does not include school holidays where there may be no one in school to respond to your request).

If you decide you would like to appeal, we will invite you to attend an appeal meeting and if the date is inconvenient, we will provide an alternative date. You will also receive any paperwork that relates to the initial School Investigation 7 days in advance of the appeal meeting.

Whilst this is part of the formal complaints procedure, we aim to make the meeting as informal as possible so that all parties can put forward their views in a positive and respectful manner.

When the appeal panel has considered all the information made available to them, they will make a decision and inform you in writing of the outcome within 5 working days.

Sometimes when a complaint is very complex, and has taken a lot of time, it may be that the Governing Body may have difficulty assembling an appeal panel that fits the criteria of having had no prior knowledge of your complaint. In this case you may request that the school source an independent appeal panel to hear the final stage of your complaint.

Following the appeal panel meeting the complaints procedure is complete. If you are still unhappy with the way the school has managed your complaint, you can submit a complaint to the Department for Education online at [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school) or write to:

School Complaints Unit  
Department of Education  
2<sup>nd</sup> Floor, Piccadilly Gate,  
Store Street,  
Manchester M1 2WD

National helpline: 0370 000 2288

Please remember that the school is committed to resolving your concerns wherever possible.

### **1. Rationale**

Hagley Primary School values the good relations enjoyed with parents and the community.

These good relations are based on mutual respect and a willingness to listen to other points of view.

The purpose of the complaints procedure is to provide a framework for the Governing Body to adopt; giving a structured opportunity for all concerned to express and resolve concerns and thus improve provision.

Hagley Primary School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

## **2. Policy**

It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

Section 29 of the Education Act 2002 which requires:

- 1) The Governing Body of a maintained school in England to:
    - a) Establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with an procedures required to be established in relation to the school by virtue of a statutory provision other than this section
    - b) Publicise the procedures so established.
  - 2) In establishing or publicising procedures under subsection (1), the Governing Body shall have regard to any guidance given from time to time by the Secretary of State.
- Section 39 of the Education Act 2002 provides the following:

'Maintained School' means a community, foundation or voluntary school, a community or foundation school or a maintained nursery school. Hagley Primary is a Local Authority community school.

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:

DfE 'Best Practice Advice for School Complaints Procedures 2019'  
HM Government 'Code of practice on the English language requirement for public sector workers' 2016

## **3. 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.

NB. For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

#### **4. Roles and responsibilities**

The complainant will:

- Co-operate with the school in seeking a solution to the complaint.
- 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 investigator 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. Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and retained in line with the school's GDPR Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Head Teacher, Clerk and Chair of Governors (as appropriate).
- 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.

#### **5. Procedures**

There are specific procedures for certain other complaints (e.g. SEN statements, accusations of child abuse, admissions, exclusion) which must be followed in those cases – this procedure is intended for those complaints which do not appear to fall into any of the existing categories. Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.

The school upholds a **three-month** time limit in which a complaint can be lodged regarding an incident.

Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form.

All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.

Any complaint made against a member of staff will be initially dealt with by the Head Teacher, and then by a committee of the Governing Body.

Any complaint made against the Head Teacher shall be initially dealt with by a suitably skilled member of the Governing Body and then by a committee of the Governing Body.

Any complaint made against the Chair of Governors or any other member of the Governing Body should be made in writing to the Clerk to the Governing Body.

Any complaint made against the entire Governing Body, or complaints involving the Chair and the Vice Chair, should be made in writing to the Clerk. The Clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by Co-Opted Governors from another school.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## **6. Stages of Complaint**

The full procedure has four stages, but every effort should be made to resolve issues at the earliest possible stage.

### **Stage 1: Informal (complaint heard by staff member)**

The vast majority of concerns and complaints can be resolved informally through the class teacher, or another member of staff, depending on whom the complainant first approaches.

Complainants may raise concerns without any formality, either in person, by telephone, in writing or via a third party.

It may be unclear whether a complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. School should 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, complaints can be referred to another staff member. Where the complaint concerns the Head Teacher, complaints should be referred to the Chair of Governors.

**Parents should not use Social Media to air their concerns/grievances. They are asked to arrange to speak to a member of staff instead.**

If the member of staff directly involved feels too compromised to deal with a complaint, the staff member 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, the next step would be to refer the complainant to the appropriate person and advise them 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 member of staff can discuss the concern with the Head Teacher or complaints co-ordinator in order to seek support.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.

Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

The complainant will be asked what they think might resolve the issue any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure

## **Stage 2: Formal (Complaint heard by the Head Teacher)**

At this stage it has become clear that the concern is a definite complaint. In some cases the Head Teacher has already been involved in looking at the matter; in others it is their first involvement.

The Head Teacher has responsibility for the day to day running of the school and the responsibility for the implementation of the complaints system, including their own involvement at various stages. The Head Teacher should ensure that their involvement would not dominate at every stage of a particular complaint. In some cases the Head Teacher may be so involved at Stage 1 that Stage 2 has to be carried out by the Chair of the Governing Body.

The complainant will be asked to confirm the complaint in writing to the Head Teacher (or Chair of Governors if the complaint is about the Head Teacher) and it will be acknowledged in writing. The Head Teacher (or Chair) will copy relevant papers to any member/s of staff named in the complaint.

The Head Teacher may delegate the task of collating information to another staff member, but not the decision on the action to be taken.

Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Head Teacher will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the Head Teacher should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.

Where the Head Teacher or Chair of the Governing Body has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

If the complaint is against the Head Teacher, the complainant will initially need to write, in confidence, to the Chair of the Governing Body. The Chair will seek to resolve the issue informally before moving directly to stage three of the procedure.

Where there are communication difficulties, the complaint may be made in person or via telephone.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.

In terms of a complaint being made against a member of staff, the Head Teacher will discuss the issue with the staff member in question. Where necessary, the Head Teacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

Once all facts are established, the Head Teacher shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

Any further action the school plans to take to resolve the issue will be also explained to the complainant in writing.

### **Stage 3: Formal (Complaint heard by Governing Bodies Complaints Appeal Panel)**

If the complainant is not satisfied with the outcome of the investigation then they may appeal.

Complaints only rarely reach this formal level and it is important that the Governing Body seeks advice from the Local Authority. This can provide a useful 'outside view' of the issues.

Individual complaints should not be considered by the full Governing Body as serious conflicts of interest can arise; for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff and Governors might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some Governors might have previous knowledge of the problem, which led to the complaint and would be unable to give fair unbiased consideration to the issue.

A review at this level can be made only if the complainant has:

- Sought to resolve the concern through approaches to the school as described in Stages 1 and 2.
- Allowed reasonable time (normally no more than *four school weeks*) for investigation of the concern.
- Accepted any reasonable offer by the school to discuss the result of the investigation.
- Taken part in any process of mediation offered by the school.
- Put the complaint clearly in writing (normally within *two months of the event*)

Following receipt of a stage 3 outcome, the complaint should be made in writing, within 10 school days, to the Governing Body Clerk requesting that their complaint be put before the appeal panel. Enclosed with the letter should be a copy of the written complaint submitted at the earlier stages, indicating which matters remain unresolved. No new complaint may be included at this stage.

Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP (Complaints Appeal Panel) will hear the complaint within 20 school days.

The Chair of Governors, or another nominated Governor, will convene a CAP comprising: three members of the Governing Body.

If the whole Governing Body is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint. They may approach a different school to ask for help or the local Governors Services team at the LA.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel – complainants should provide evidence to support their request. Where the appearance of bias is sufficient to taint the decision reached, the request will likely be granted by the Governing Body.

Five days' notice will be given to all parties attending the CAP, including the complainant.

Prior to the hearing, the Chair of Governors will have written to the complainant informing them of how the review will be conducted. The Head Teacher will also have a copy of this letter.

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.

Neither the school nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation will be necessary, for example where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The meeting should allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the Head Teacher to explain the reasons for their decision.
- The complainant to question the Head Teacher, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the Chair of the CAP, to be questioned.
- Members of the CAP to question both the complainant and the Head Teacher.
- Final statements to be made by both parties involved.

The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

### **The Remit of the Complaints Appeal Panel**

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 Governors sitting on a complaints panel need to remember:

- 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.
- 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 that 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.

The panel Chair will:

- Ensure that minutes of the meeting are taken.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Ensure that the panel is open minded and acting independently
- Ensure each side is given the opportunity to state their case and ask questions
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the Clerk to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  - Dismiss or uphold the complaint, in whole or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.
- The panel may ask questions at any point

The panel Clerk will:

- Continuously liaise with the Chair of the Panel.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing (recommended at least 5 days in advance).
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.
- The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary challenged.

## **7. Notification of The Panel's Decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline and at Hagley Primary will be within 10 working days. The letter should explain if there are any further rights of appeal and, if so, to whom they need to be addressed. This will be the local authority.

## **8. Appeal**

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

The School Complaints Unit (SCU)  
Department for Education  
2<sup>nd</sup> Floor, Piccadilly Gate  
Manchester  
M1 2WD

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

SCU examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of school.

The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school or Governing Body could act in the circumstances.

If legislative/policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

## **9. Interviewing witnesses**

When interviewing children in order to gather information regarding a complaint, the interview should be conducted 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.

The school will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

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.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

### **10. Recording a complaint (see appendix)**

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the school premises by the proprietor and the Head Teacher.

The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

Where the school allows complainants to record meetings, the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire Governing Body in case an independent panel is needed to hear the complaint. The exception to this is when a complaint is made against the whole Governing Body and they need to be aware of the allegations made against them, to respond to any independent investigation.

Details of any complaint made shall not be shared with the entire Governing Body unless completely necessary.

Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.

The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

### **11.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 about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LA designated officer (LADO) or the multi-agency safeguarding hub (MASH).

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, including contractors and temporary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk).

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

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; however, they will be notified that the matter is being addressed.

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.

Complaints about the content of national curriculum should be made to the DfE.

Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.

Any complaints about the content of collective worship should be made to the LA, the local Standard Advisory Council on Religious Education or another relevant body.

Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.

### **12.Duplicate complaints**

After closing a complaint at the end of the complaints procedure, we may receive a duplicate complaint from:

- a spouse

- a partner
- a grandparent
- a child

If the complaint is about the same subject, the Head Teacher will inform the new complainant that the school has already considered that complaint and the local process is complete. The Head Teacher will advise the new complainant to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

They will ensure that the school does not overlook any new aspects to the complaint that they may not have previously considered. The school will need to ensure these are investigated and dealt with to the full extent of the complaints procedure.

### **13. Exceptional circumstances**

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Children are at risk of harm.
- Children are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the Head Teacher or Governing Body 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.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

### **14. Serial and persistent complainants**

The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the Chair of the Governing Body will inform the complainant that the matter is now closed.

If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.

The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

The school will not take the decision to stop responding to an individual lightly. The school will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the school repeatedly with the same complaint.

If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.

Once the school decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

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.

Any new complaint made by a 'serial' complainant will be responded to.

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

The school will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.

### **15.Complaints campaigns**

For the purposes of this policy, "complaints campaigns" are where the school receives large volumes of complaints that are all based on the same subject from complainants that are not connected to the school.

Where the school becomes the subject of a complaints campaign, a standard, single response will be published on the school's website.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

### **16.Barring from the premises**

School premises are private property and therefore any individual can be barred from entering the premises.

If an individual's behaviour is cause for concern, the Head Teacher can ask the individual to leave the premises.

The Head Teacher 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 by the Chair of Governors or a committee of Governors, 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, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Head Teacher or Chair of Governors.

## **17. Role of the school complaints unit (SCU)**

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.

The Secretary of State will only intervene when they believe that the Governing Body 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.

When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## **18. Transferring data**

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

## **19. Availability**

A copy of this Complaints Procedures Policy will be published on the school website in accordance with the School Information (England) (Amendment) Regulations 2016.

## **20. Reviewing the procedure**

The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to a committee of the Governing Body, an individual Governor or the Head Teacher.

All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance

## **Policy for Unreasonable Complainants**

Hagley Primary School we recognise that parents and carers are the single biggest influence on their children and their achievements. Therefore, we are committed to building positive and responsive relationships with parents and carers so that together we can ensure that our young people get the most out of their time with us.

Hagley Primary 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.

We encourage partnerships with our parents and carers, and work hard to maintain mutual respect and recognition of shared responsibility for the children. However, in a very small minority of cases, the behaviour of a few parents or carers can cause disruption, resulting in abusive or aggressive behaviour towards staff and this will not be tolerated. All members of the school community have a right to expect that their school is a safe place.

The school defines unreasonable complainants 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'.

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 complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- 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 Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and 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 six 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 banning an individual from the premises.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Hagley Primary School.

Schools are not public places and although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 states that it is an offence for a trespasser on school premises to cause a nuisance or disturbance. The school is entitled to withdraw the implied right a parent or carer has to enter the school, if that parent or carer is violent or aggressive. If the parent or carer then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts.

This policy applies to all those that engage with the school and not just to parents.

### **Behaviours which can lead to a ban include:**

1. Physical or verbal threats towards staff, pupils, or other parents
2. actual violence,
3. damage to property
4. refusal to leave when asked
5. disruption of the running of the school
6. general abusiveness

The Head Teacher will decide whether the situation has been reached for proposing an actual ban. In extreme circumstances, i.e. if the incident is considered to be very serious, then s/he can issue a short-term temporary ban immediately, if required.

If the issue presents a less immediate threat then the Head Teacher will consider issuing a warning letter which says that repeats of such behaviour will likely result in a ban. Events may occur in a number of stages and it may be that upon consideration by the Head Teacher that a warning letter needs to be issued.

The school will write to the parent/carer setting out:

- what has happened and why it is unacceptable
- that the school will consider banning the parent/carer from the school premises
- give a clear explanation of why the ban is proposed
- give the parent/carer 5 working days to respond in writing giving their own version of events
- state the length of the proposed ban and give a review date.

Following receipt of the written response:

- The Head Teacher will decide whether or not to ban the parent/carer
- The parent/carer will be informed in writing within 3 days of the decision taken
- The terms of any ban will be clear, with explicit paths of communication between the school and the parent
- Pick up and drop off of children will be taken into consideration
- A date for the review will be given, which will take account of what has happened in the interim period
- If no further concerns have arisen regarding the parent's behaviour, a meeting date will be set which will seek to re-establish a productive working relationship between the school and the parent/carer

If a parent/carer wishes to appeal against a ban, they may do so in writing (following the complaints procedure). The first stage of this appeal will be undertaken by an appointed Governor who would invite the Head Teacher to review the matter with a view to lifting the ban. If the outcome to this stage is that the ban is still in place, then the parent may appeal further to a panel of Governors according to the usual complaints process.

In some cases the unacceptable behaviour is so extreme (for example, an assault on a member of staff) that the Head Teacher may feel that there is no alternative but to impose a lengthy or permanent ban. In criminal cases the Head Teacher should inform the police and should contact their legal advisors (DCC Solicitors in maintained schools).

## Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Head Teacher. (If your complaint is against the Head Teacher, you will need to send the form to the Chair of the governing body).

<b>Name:</b>	<b>Address:</b>
<b>Pupil's name:</b>	
<b>Pupil's date of birth:</b>	
<b>Daytime telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Email:</b>	<b>Postcode:</b>
<b>What is your complaint concerning, and what action would you like the Head Teacher to take?</b>	
<b>When did you discuss your concern/complaint with the appropriate member of staff?</b>	
<b>What was the result of the discussion?</b>	
<b>Signed:</b>	<b>Date:</b>