



# Complaints Procedure

**Approved by:** Debbie Norton & the Full Governing Board **Date:** May 2023

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### 1. Aims

This policy aims to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. The school wishes to be fair to those concerned and to promote parents' and children' confidence in the school's ability to safeguard and promote welfare. The school will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the school's systems and procedures in the light of the matters raised.

Our school aims to ensure that a concern or complaint is managed in a professional, fair and transparent manner. It will meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. The school recognises that a concern or difficulty which is not discussed and resolved quickly and fairly, can cause a breakdown in the relationship between the school and the individual or family concerned. Raising a concern or a complaint will never adversely affect a child's future at the school.

Where it is not possible to resolve complaints or difficulties informally, this procedure provides a means by which matters can be investigated in a structured way. The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

If there are justified lessons to be learned or improvements to be made following a complaint, we will do our best to implement these. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

## 2. Legislation and guidance

This document meets the requirements of Section 29 (1) of the *Education Act 2002*, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

This policy and the handling of complaints within the school will take account of the *Equality Act 2010*, the *Data Protection Act 2018*, the *General Data Protection Regulations 2016* and the *Freedom of Information Act 2000*. In order to advance equality and eliminate any discrimination, the school will take all reasonable steps to meet the needs of those involved with a relevant protected characteristic. Further details can be found in the school's Equality Policy which can be found on the Wellington Primary School website.

In addition, it addresses duties set out in the *Statutory framework for the early years foundation stage* (DfE 2017) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

The format and content of this policy is guided by the [Schools complaint procedures: guidance for maintained schools](#) from the Department for Education (updated 2021).

## 3. Definitions and scope

The Department for Education (DfE) guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression or statement 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.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

### **3.1 Complaints from parents of children with special educational needs and disabilities (SEND)**

Arrangements for handling complaints about the school's support for children with special educational needs and disabilities (SEND) are within the scope of this policy. Such complaints should first be made to the class teacher and then to the Special Educational Needs Co-ordinator (SENDCO); they will then be referred to this complaints policy. Our SEND 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.

### **3.2 Complaints against the Headteacher or a governor**

Complaints made against the Headteacher should be directed to the Chair of Governors.

Where a complaint is against the Chair of Governors or any member of the Governing Board, it should be made in writing to the School Business Manager/Clerk to the Governing Board in the first instance.

This complaint will be acknowledged within **2 school days** by the relevant investigating individual, who will investigate with support from the Local Authority Governing Body section if relevant and provide a response within **10 school days**.

## **4. Principles for investigation**

When investigating a complaint, we will try to clarify:

- what has happened;
- who was involved; and
- 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 are defined for actions 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 anticipates 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.

During the process:

- all persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- all decisions will be made on a balanced and considered assessment of the information and justifiable evidence available;
- all decisions will be based upon logical conclusions, and not on mere speculation or suspicion; and
- all decisions will be supported by detailed reasons which will be disclosed to all parties involved.

All parties will be provided with all information and documentation pertinent to the matters raised, in line with data protection and GDPR. In order to maintain openness and fairness, covert

recordings, or transcriptions of covert recordings, will NOT be accepted as evidence in any complaint investigation.

Where possible, complaints should be made within term time. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. *Please inform us if you require any additional measures.*

In order for complaints to be resolved as quickly and fairly as possible, the school requests that the complainant/s do not discuss complaints publicly or via social media. Complaints will be dealt with confidentially for those involved. We expect complainants to observe confidentiality also.

## **5. Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing (with third party assistance if required).

## **6. Resolving complaints**

At each stage in the procedure, we want to resolve the complaint. Please note that if the facts cannot be established without doubt, the complaint cannot be upheld.

The possible outcomes are:

- that the complaint is upheld in whole or in part; or
- dismissal of the complaint in whole or in part.

In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- reassurance that we will review school policies in light of the complaint;
- an apology.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

## **7. Stages of raising a concern or a complaint (not complaints against the Headteacher or a governor)**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. Where a concern or complaint is made verbally, it will be recorded on the form attached and verified with the complainant.

## Stage 1: Raising a concern

A concern is not a formal complaint. The school will resolve concerns through day-to-day communication as far as possible. The school will make every effort to resolve the matter quickly. It may be the case that the provision or clarification or information will resolve the issue.

1. The concern should be raised as soon as possible with the relevant class teacher, either in person or by letter, telephone or email. If it is unclear who to contact or how to contact them, please contact the school office.
2. Although not a formal complaint, a record will be made of the concern when raised.
3. The school will acknowledge the concern within **2 school days** from receipt.
4. If necessary, an investigation will be made or information will be gathered and a response provided within **10 school days** from receipt.
5. At any stage, if suitable, a meeting will be offered with a member of the senior management team as appropriate.

If the concern is not resolved informally, the complainant may choose to escalate it to a formal complaint.

## Stage 2: Formal complaint to the Headteacher

1. A complaint can be made in person, in writing (via letter or email) or by telephone. It is recommended that the complainant uses the form attached to this policy. If you require help completing the form, please contact the school office. You can also ask a third-party organisation such as Citizens Advice for assistance. Where a verbal complaint is made, it will be recorded on the form attached and confirmed with the complainant.

The basis of the complaint should be defined and all details given such as relevant dates, times, and the names of witnesses of any events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

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

2. The Headteacher (or designated member of the senior leadership team) may call a meeting with the complainant 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 2 school days 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.

3. Following the meeting, the Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. During the investigation, the Headteacher (or investigator) will:
  - if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - keep a written record of any meetings/interviews in relation to their investigation and the outcomes.
4. The written conclusion of this investigation will be sent to the complainant within **10 school days** from the date of the meeting, or receipt of the complaint if a meeting is not held. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of this stage.

5. If the complainant wishes to proceed to the next stage of the procedure, they should notify the School Business Manager/Clerk via the school office within **5 school days** of the date of the Headteachers written conclusion, ideally in writing/by email. The next stage is a panel of school governors and is the final stage of the school's complaints procedure.
6. The School Business Manager/Clerk will record the date the notification is received and will acknowledge it in writing (either by letter or email) within **5 school days**.

### **Stage 3: Complaints panel hearing**

**It must be noted that the basis of a formal complaint should not change at any stage from the beginning of Stage 2. Any change or addition to the original complaint, as investigated by the Headteacher, will not be considered by the panel. New complaints must be dealt with from Stage 1 of the procedure.**

1. A panel of governors will be convened who can consider the complaint afresh. The complaints panel will consist of at least three governors with no prior involvement with the complaint. If three impartial governors are not available from the governing body, alternatives will be sought from another school.

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.

2. The School Business Manager/Clerk will set the date, time and venue of the meeting. They will try to ensure that the date of the meeting is convenient to all parties and that the venue and proceedings are accessible.

There is no requirement for complaints appeal panels to meet at a time requested by the complainant. However, governors will aim to find the middle ground between the needs of the complainant and the panel. If a complainant cannot make the proposed time, an alternative will be offered. If the complainant rejects the offer of 3 proposed dates without good reason, the panel will be held in their absence with written submissions from both parties.

If possible, at least **15 school days** notice will be given of the meeting.

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

If preferred, the evidence provided by any witnesses may also be submitted in writing.

If parties are invited to a hearing, the complainant may be accompanied by a suitable companion if they wish. The school may also have an external advisor at the panel hearing if it would aid the panel process.

3. **At the same time** as notifying those concerned of the date of the meeting (**15 school days** before the meeting), the School Business Manager/ Clerk will:
  - ask for the details of any witnesses, companions or advisors who may be called upon at the meeting, or who's evidence is to be submitted to the panel.
  - request copies of all written material relevant to the investigation (for submission to the committee) eg: the original complaint, all records of investigations and actions taken to date, all relevant communication to date and any witness statements.

*Note: Members of staff will not usually be required to attend the complaint panel hearing to give a verbal statement, unless their conduct is relevant, or their account is contentious, and the panel seeks clarification. It is sufficient that a signed written account is included in the documentation.*

4. **5 school days** before the date of the meeting the School Business Manager/ Clerk will:

- disseminate the written material, including the existing record of the complaint's progress and any further submitted material, and the details of those attending the meeting, to all parties.

*Note: The names of individuals other than the complainant, the complainant's family, members of the school's staff and governors, MUST be redacted and replaced with a letter relevant to that particular individual unless they have provided their written consent for their name to be disclosed.*

This gives both parties the opportunity to raise limited reasonable queries with the panel ahead of time that they could consider, as part of their investigation into the complaint. Such queries should be passed to the School Business Manager/ Clerk **2 school days** before the panel meeting. The clarity should then come in the form of the panel's response to the complaint.

5. The committee will not:

- review any new complaints at this stage;
- consider evidence unrelated to the initial complaint; or
- accept as evidence, recordings of conversations or events that were obtained covertly.

6. Meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. If this is the case, prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. If a complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a complaint panel hearing, they should let the school know with as much notice as possible.

7. During the Complaints Panel Hearing, only panel members may ask questions of the complainant and/or the school, or witnesses for either party. If the complainant or the school have any queries that they wish to raise, these must be submitted to the Clerk of Governors/SBM 2 school days before the meeting. These will be passed on to the panel who may raise them.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

### **Outcome (see section 6)**

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part; or
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken (see section 6);
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf



of the school.

Once the outcome has been agreed by the panel, the chair of the complaints panel will provide the complainant and Headteacher with a full explanation of their decision and the reason(s) for it, in writing, within **10 school days** from the date of the meeting.

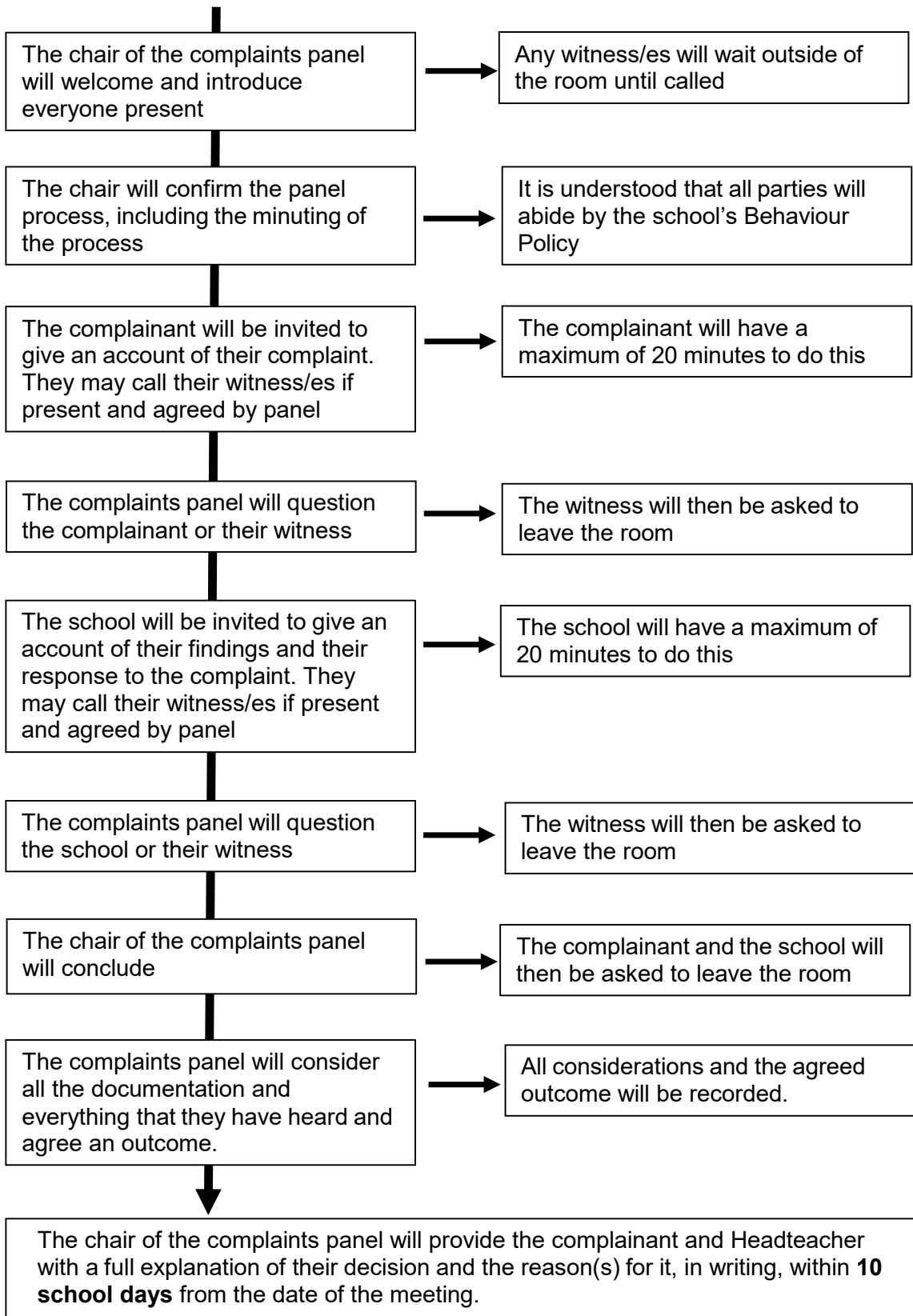
The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

## **8. Learning lessons**

The Governing Board will review any underlying issues raised by complaints with the Headteacher, where appropriate, 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.

## 9. The complaints panel process

The complaints panel hearing will follow the following process. The chair of the complaints panel may, at their discretion, give more time, remind someone of the Wellington School's Behaviour Policy or stop the panel process. Members of the complaints panel may ask questions or seek clarification at any time.



## 10. Referring complaints to the Department for Education

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Department for Education (DfE) which considers complaints relating to maintained schools on behalf of the secretary of state.

They 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. They also look at whether the school's statutory policies adhere to education legislation. The DfE 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>

## 11. 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 of Governors (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:

- a. the school has taken every reasonable step to address the complainant's needs, *and*
- b. the complainant has been given a clear statement of the school's position and their options (if any), *and*
- c. 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:

- d. we have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience; and/or
- e. complaints are without merit, obsessive, persistent, harassing, prolific, repetitious;
- f. the individual's letters/emails/telephone calls are often or always abusive or aggressive; and/or
- g. 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.

### Unreasonably persistent complaints

*The 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.*

*Wellington Primary 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*
- refuses to accept that certain issues are not within the scope of the complaints procedure*
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice*
- introduces trivial or irrelevant information which they expect to be taken into account and commented on*
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with*
- uses threats to intimidate*
- uses abusive, offensive or discriminatory language or violence*
- knowingly provides falsified information*
- publishes unacceptable information on social media or other public forums.*

*Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.*

*Whenever possible, the 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 banning an individual from the school.*

*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 will then be reviewed, taking into account any representations made by the parent and possible legal advice, 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.*

## **12. Record-keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, how 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 under the terms of the Data Protection Act or GDPR, or where the material must be made available during a school inspection.

Records of complaints will be kept in line with Data Protection legislation, GDPR and professional guidance:

- For major complaints, records will be kept for 6 years after the complaint is resolved.
- For complaints related to negligence, records will be kept for 15 years after the complaint is resolved.
- For complaints related to child protection or safeguarding issues, records will be kept for 40 years after the complaint is resolved.

Records Management Society's [information management toolkit for schools](#) (2019).

## **13. Links with other policies**

Policies dealing with other forms of complaints include:

- a. Child protection and safeguarding policy and procedures
- b. Admissions policy
- c. Exclusions policy
- d. Staff grievance procedures

- e. Staff disciplinary procedures
- f. SEN policy and information report
- g. Equality Policy
- h. Data Protection/GDPR

#### **14. 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 any underlying issues.

All complaints are logged and overseen by the School Business Manager

This policy will be reviewed by the Governing Board every 2 years. At each review, the policy will be approved by the Full Governing Board and the Headteacher.

### Formal Complaint Form

Please complete and return to the school office, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Do you require any adjustments to enable you to access this process due to illness, disability or other reason?</b> Answer: Yes/No. If yes, please approach the School Business Manager/Clerk via the school office to discuss any reasonable adjustments we may be able to make.
<b>Please give details of your complaint including the dates and times of any relevant events and the names of any witnesses. Please include whether you have spoken to anybody at the school about it. (Continue on a separate sheet if necessary)</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**  
**Date:**

**Official use**

**Date received:**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**