



Complaints Procedure

July 2021 - major review following new model policy

In circumstances where issues/complaints arise at William Davies Primary School, we will ensure that, at each stage of the process, the person investigating the complaint:

- Establishes what has happened so far;
- Identifies who has been involved;
- Understands the nature of the concern or complaints;
- Knows what issues remain unresolved;
- Has contacted the complainant to establish and clarify information;
- Has spoken to or interviewed those involved as required;
- Conducts meetings with an open mind and is prepared to persist with questioning and finding the answer;
- Keeps accurate records of the complaint including notes of any meetings, discussions and if required arrange for a minute/note taker.

Introduction

In accordance with Section 29(1) of the Education Act 2002

(<https://www.legislation.gov.uk/ukpga/2002/32/section/29>) all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures. Following changes to the School Information (England) Regulations 2008, since 1 September 2016, maintained schools must publish their complaints procedures on their websites.

The advice provided in this guide has been produced by The Education Space to assist all maintained schools and nurseries to understand their obligations and duties in relation to the above act and ensure that complaints and concerns are dealt with effectively and timely.

Who can make a complaint?

Complaints are not limited to parents or carers of children that are registered at the school. Anyone can make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

- parents or carers of children no longer at the school
- members of the public

Complainants should be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets the vexatious complaint criteria.

Once the process has been completed and the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'vexatious' or 'persistent' and the school may choose not to respond. The school should not mark a complaint as 'vexatious' before the complainant has completed the procedure. However, anonymous complaints will be dealt with under a different procedure (see below).

How can a complaint be raised?

- in person, by telephone or in writing
- by a third party acting on behalf of the complainant

The school needs to ensure that you have written consent from the complainant before disclosing information to a third party.

Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

The DfE do not normally accept electronic recordings as evidence when they are asked to consider a complaint. However, they may accept independently notarised transcriptions of recordings. The DfE may also ask for the written consent of all recorded parties.

The Complaints Procedure

Our complaints procedure:

- is simple to understand and use
- is impartial
- is non-adversarial
- enables a full and fair investigation
- respects confidentiality where necessary
- addresses all the points at issue and provides an effective response and appropriate action/preventative measures/redress, where necessary
- discusses complaints with the complainant at the earliest stage and asks what might resolve the issue
- acknowledges if the school could have handled the situation better whilst not admitting unlawful or negligent action
- presents escalation options at each stage of the procedure, for example, when communicating the outcome of the stage 1 process, include the details of the stage 2 process
- presents outcomes state what we 'will' do rather than what we 'should' or 'may' do.

Complaints not in Scope

Complaints for which there are separate (statutory) procedures are not included in this, e.g. admissions, school's re-organisation proposals, statutory assessments of SEND, CP investigation, exclusion, whistleblowing, staff grievances, staff conduct, national curriculum, collective worship, complaints about services provided by other providers (third parties – providers have their own complaints procedures)

Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible.

The DfE consider 3 months to be an acceptable time frame in which to lodge a complaint. Additional time can be given in exceptional circumstances. Any decision made by a school must also be made in line with the principles of administrative law.

This means a decision is:

- a) Lawful – it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010

- b) Rational
- c) Reasonable
- d) Fair
- e) Proportionate

All complaints are logged and any that are outside the 'time-frame', are reviewed and considered under 'exceptional circumstances' before a decision to close or investigate is taken.

Legal representation

Complaints are not legal proceedings and therefore legal representation is not required at any of the stages. In the event that a complaint progresses to the panel stage, the DfE guidance makes it clear that they do not recommend that either the complainant or the school bring legal representation. These meetings are not a form of legal proceedings.

The aim of the panel of governors should be:

- Reconciliation
- To put right things that may have gone wrong

Mediation

Mediation meetings can be helpful at the beginning of the process or at the end of the process. The DfE recommends that mediation meetings should not be used as a substitute for an investigation during the 'formal' stages of the complaint's procedure. The complainant needs to feel that these meetings will help to find a resolution and action formed from them in order to assist the process.

Meetings / communication with complainant

We will decide how to hold meetings with complainants during the various stages of the complaint procedure. To move forward and to ensure timescales are met, we will arrange to meet complainants face-to-face and where this is not possible meetings can be arranged virtually to discuss concerns. These meetings can then include other parties as required and where necessary to resolve and find solutions to the complaints.

Complaint Stages

The DfE recommend 2 stages, where the second, an appeal stage, is heard by members of the governing body who'll consider the complaint afresh.

This makes sure that:

- Decisions are not taken in isolation
- There is always a mechanism by which decisions are considered independently

One of DfE's roles is to review the complaints and look at the handling of the complaints at the earlier stage and ensure the procedure is applied.

a) Stage 1 – Informal

The complaint is dealt with by an appropriate staff member (e.g. class teacher) or designated Stage 1 Complaints Officer (who is not the subject of the complaint).

In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff. This may be the subject teacher, head of a year, form tutor or other designated staff member directly involved with the reported problem.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment.

- Acknowledge complaint within 2 working days
- The complainant must allow the designated staff member 5 working days to respond to the concern.

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- If this does not lead to a resolution of the concern/s raised then the complainant must be informed and an extension given and/or
- The concern/complaint must be referred to the next stage of the complaints process, which is the commencement of the formal process.
- Complainant is informed of next process in writing.

b) Stage 2 – Formal (if unresolved at Stage 1)

The Headteacher (or designated person in special circumstances) hears the complaint.

If the complainant is dissatisfied with the response from the member of staff at Stage 1, they should be advised to put their complaint in writing to the Headteacher who will deal with it formally at Stage 2. Where the Headteacher is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors. If the complaint is being dealt with by the Chair of Governors this will bypass Stage 2 and go to Stage 3 of the formal procedure and heard by the Chair of Governors or another appropriate person.

The complainant must ensure that they include details of why they are *still* dissatisfied and what action they believe they would like to see happen to resolve the complaint. They can also attach any evidence to support their concerns.

- Acknowledge complaint within 5 working days
- The Headteacher / designated officer may feel it necessary to meet with the complainant, notes of which will be kept as part of the investigation
- The complainant must allow the designated staff member 20 working days to respond (including to investigate, look at previous findings and respond to the concern)
- If this does not lead to a resolution of the concern raised then the complainant must be informed and an extension given
- Complainant is written to with the outcome and also informed of next process

c) Stage 3 – Formal (if not resolved at stage 2)

If the complaint is about a member of the governing body or the entire governing body, steps will need to be added to your procedure to deal with this. The options available are:

- Chair/Vice Chair to deal with complaint
 - Other designated person to deal with complaint
 - Seek support from another school's governing body to investigate
 - Seek support, advice and guidance from School Support Management or the Governing Support Services
- The Chair or Vicechair of Governors (where this is not possible designate another member of the Governing Body to hear the complaint).

If the complainant is dissatisfied with the response from the Headteacher at Stage 2, they should be advised to put their complaint in writing to the Chair of Governors for consideration at Stage 3 of the procedure.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter.

- Acknowledge complaint within 5 working days
- The Chair/Vicechair or designated person may feel it necessary to meet with the complainant to establish further facts and obtain further information. The designated person can seek support to arrange this via School Support Services. Meeting notes will be kept.
- The complainant must allow the designated staff member 20 working days to respond (including to investigate, look at previous findings and respond to the concern)
- If this does not lead to a resolution of the concern raised then the complainant must be informed and an extension given
- Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the designated person will notify the complainant in writing of the conclusion

The conclusion could be:

- The evidence indicates that the complaint was substantiated and therefore upheld
 - The complaint was substantiated in part and what action will be taken
 - The complaint is not substantiated by the evidence and therefore not upheld
- The complainant is informed, if they are still dissatisfied they can write to the Governing Body directly via the school or, School Management Support (SMS) at The Education Space (NPW), outlining why they feel the complaint is unresolved and they feel it could be resolved.

d) Stage 4 – Formal (if not resolved at Stage 3)

The Governing Body hears the complaint.

If the complainant is dissatisfied with the response from the Chair of Governors (or designated person) at Stage 3 they should be advised that the next stage is to put their complaint in writing to the Governing Body at Stage 4. The letter can be sent to the school or to School Management Support at The Education Space.

The complainant must ensure that they include details of why they are still dissatisfied with the decision at Stage 3, recommendations and actions of the Stage 3 complaint and what they feel would resolve the complaint. They may also attach any evidence to support their complaint.

- If the complaint is received by the School then to contact School Management Support who can provide support, advice and assistance with process or follow the process below:

A panel of Governors (preferably 3) who form a complaints appeal panel considers the complaint. The panel must be independent and impartial. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. The panel to have a cross-section of categories of governors and sensitive to the issues of race, gender and religious affiliation. If appropriate, the panel can be made up of governors from another school. Schools need to ensure that details of complaints should not be shared with the whole governing body at any stage while they are still being considered/investigate, in case governors are required for the complaints panel, (this allows for a impartial panel).

The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept. The headteacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore, the remit of governors' consideration of a complaint about a matter of internal organisation and control will be

as to whether the Headteacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the Headteacher.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting either the Chair or Vice-chair (whoever did not deal with the complaint at Stage 3), will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and decide on the complaint as there is enough information to allow a decision to be made.

Possible outcomes for the Panel

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similarly do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting.

The letter will inform them of Stage 5.

Stage 5 – (once the school complaints procedure has been exhausted)

The outcome letter from the School Complaints Panel exhausts the 4 Stage procedures.

If the complainant is dissatisfied with the process, they are able to contact:

Department for Education
Piccadilly Gate, Store Street
Manchester, M1 2WD
Helpline: 0370 000 2288

The DfE will examine if the school complaints policy and any other relevant processes were followed. The DfE will also examine policies to determine if they adhere to education legislation. The DfE's role is to review the complaint and look at the handling of the complaint at the earlier stage and the procedure applied. Schools must ensure that they follow their procedure correctly, and keep accurate recording of communication with the complainant at every stage, ensuring timely, being reasonable and acting lawfully.

Dealing with vexatious complaints

On occasions, despite all stages of the procedures having been followed, the complainant continues to be dissatisfied. If the complainant tries to reopen the same issue, the Chair of the School Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

It is important to note however that, should a complainant raise a new, separate complaint, it must be responded to in accordance with the school complaints procedures.

Sally Norris (Headteacher)
July 2021