



## **Highley Primary School**

# **Complaints Policy and Procedure**

Next Review date: Spring 2024

## **The purpose of this policy is:**

To set out the school procedures when dealing with general complaints.

To encourage parents to express their views at the earliest opportunity, through the appropriate channels.

To aid communication between parents and school.

## **Introduction:**

Whether a complaint is made informally or formally, all parties should ensure details are only known to those involved in investigating the complaint. Parents should be assured that making a complaint will not adversely affect their child.

This policy is not intended to cover those aspects of school life where the law sets specific complaints procedures i.e. admissions, exclusions, complaints about the delivery of the National Curriculum and the provision of collective worship and religious education.

Parents should feel able to express their views in the full knowledge that they will be dealt with fairly. Parents can approach a parent governor for informal advice about a concern prior to making any more formal approach to the school. Parent Governors can listen sympathetically to their concerns and can explain the procedure. In many instances people do not voice their concerns immediately and have not discussed their concerns with the staff member(s) involved who therefore have no idea that there is an issue. Under these circumstances parent Governors should initially advise parents to discuss the issue with the staff member involved first.

## **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Highley Primary School about any provision of facilities or services that we provide.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **The difference between a concern and a complaint**

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 defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Highley Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Mr Tom Plim, the headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important. We understand however, that there are occasions when people would like to raise their concerns formally. In this case Highley Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **How to raise a concern or make a complaint**

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.

Concerns should be raised with either the class teacher, Headteacher or Chair of Governors in the first instance. If the issue remains unresolved, the next step is to make a formal complaint.

The **concern** should be recorded in writing by the person to whom it was addressed. A clear note of the date, name, contact address or phone number and the issue raised should be recorded in the appropriate informal complaints register.

If the issue is resolved the class teacher will record the details and any further relevant information.

Complainants or parents with concerns **should not approach individual governors** to raise concerns or complaints. **They have no power to act on an individual basis** and it may also prevent them from considering complaints at Stage 3 of the procedure.

If you wish to make a complaint then the following applies:

Complaints against school staff (except the headteacher) should be made in the first instance, to Mr Tom Plim via the school office. Please mark them as Private and Confidential.

Complaints from parents of children with SEND about support provided by the school should be made in the first instance to Mr Tom Plim via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Mrs Jennifer Brown (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to 'the Clerk to the Governing Body' and will be passed on via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you. 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.

### **Anonymous complaints**

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

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside of term time.**

We will consider complaints made outside of term time; we will receive this on the first school day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services provided by Highley Primary School other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Shropshire Local Authority.
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a> .  *complaints about the application of the behaviour policy can be made through the school's complaints procedure.
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. This is located in the staffroom.  The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

## Resolving complaints

At each stage in the procedure, Highley Primary School wants to resolve the concern or complaint. If appropriate, we will acknowledge that the complaint is upheld 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 assurance that we will try to ensure the event complained of will not recur
- 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
- an undertaking to review school policies in light of the complaint
- an apology.

## Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Formal complaints

Consider carefully if you wish to raise a concern or make a formal complaint.

It is often better to raise a concern and work with the school to resolve the issues. Governors would ask that, wherever possible, you resolve the issues without resorting to a formal complaint procedure.

## Procedure

### Stage 1

**Formal complaints** must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **3 school days**.

Complaints will be prioritised and investigated as soon as practicable.

Within this response, the headteacher will ensure that the complainant has supplied contact details (preferably an email address), and a contact phone number. They will also seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

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

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.

At the conclusion of their investigation, the headteacher will provide a formal written response within **7 school days** of the date of receipt of the complaint. 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 Highley Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Formal complaints may be done in person, in writing (preferably on the Complaint Form), or by telephone. The Governor will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**. Within this response, the Governor will ensure that the complainant has supplied contact details (preferably an email address), and a contact phone number. They will also seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Governor can consider whether a face-to-face meeting is the most appropriate way of doing this.

During the investigation, the Governor 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.

At the conclusion of their investigation, the Governor will provide a formal written response within **10 school days** of the date of receipt of the complaint. If the Governor 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 Highley Primary School will take to resolve the complaint. The Governor will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office. If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Where no satisfactory solution has been found the complainant is asked if they wish their complaint to be considered further. If so, they are given clear information, both orally and in writing, about how to make a formal complaint and about any independent advice available to them.

## **Stage 2: Formal Complaint to the Chair of Governors**

A formal complaint should be made in writing. The Chair of Governors acknowledges the complaint in writing within **3 school days** of receiving the written complaint. The acknowledgement gives a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within **10 school days**: if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date.

The Chair of Governors provides an opportunity for the complainant to meet and it is made clear to the complainant that if they wish they may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on their behalf, and asked if they have any special requirements the school needs to be aware of e.g. wheelchair access, signing etc.

If necessary, the Chair of Governors should interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils would normally be interviewed with parents/guardians present.

The Chair of Governors keeps written records of meetings, telephone conversations, and other documentation (within the Complaints Register). Each new complaint will be assigned a complaint number, and this number will be referred to in the acknowledgement letter so that there is a clear audit trail for each complaint.

Once all the relevant facts have been established, the Chair of Governors) should then produce a written response to the complainant or may wish to meet the complainant to discuss/resolve the matter directly.

A written response includes a full explanation of the decisions and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Clerk of the Governing Body **within 5 school days** of receiving the outcome letter.

### **Stage 3: Escalation of complaint to a panel of governors (final stage)**

If the complainant feels the issue is still unresolved this should be put in writing to the Clerk of Governors c/o Highley Primary School who will then acknowledge receipt of the written request (either by letter or email) **within 5 school days**.

**Requests received outside of this time frame will only be considered if exceptional circumstances apply.**

This acknowledgement will inform the complainant that the complaint is to be heard by three members of the school's Governing Body within **20 working days** of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be reviewed by the three members.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint.

Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Highley Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

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

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend.

Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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.

Representatives from the media are not permitted to attend.

At least **10 school days** before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **5 school days** before the meeting. Any written material will be circulated to all parties at least **3 school days** before the date of the meeting.

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

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting 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. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

#### **The meeting will allow for:**

- The complainant to explain their complaint.
- The head teacher to explain the school's response
- Panel members to have the opportunity to question both the complainant and the head teacher.
- Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
- Final statements by both the complainant and the head teacher.

**Note:** *If, following receipt of the written material either the complainant or the head teacher has any questions, these should be submitted to the chair of the panel prior to the start of the meeting.*

#### **The Role of the Chair of the Committee**

The chair of the committee has a key role, ensuring that:

- Introductions are made.
- The remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- The issues are addressed.
- The meeting is effectively conducted.
- Key findings of fact are made.
- Parents and others who may not be used to speaking at such a hearing are put at ease.
- The meeting is conducted in an informal manner with each party treating the other with respect and courtesy.
- The committee is open minded and acting independently.
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure, to avoid conflict of interest.
- Each side is given the opportunity to state their case and ask questions.
- Written material is seen by all parties.
- The complaint, as originally registered, is the focus of attention.

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

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



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

- decide on the appropriate action to be taken to resolve the complaint.
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Clerk will provide the complainant and Highley Primary School with a full explanation of the panel's decision and the reason(s) for it, in writing, within **10 school days**. 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 Highley Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a committee of independent, co-opted governors. 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 Highley Primary School will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Highley Primary School. They will consider whether Highley Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

**Next review date: Spring 2025 or following any DfE changes.**

## Complaint Form

Please complete and return to .....who will acknowledge receipt and explain what action will be taken.

Your Name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Email: \_\_\_\_\_

Daytime telephone number \_\_\_\_\_

Evening telephone number \_\_\_\_\_

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

**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 Acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**