



HARESIDE PRIMARY SCHOOL

Complaints Procedure

February 2023





COMPLAINTS PROCEDURE FOR USE BY PARENTS AND MEMBERS OF THE PUBLIC

This procedure is for use for complaints against the school, a member of staff or the governing body. It is expected that complaints will be lodged as soon as possible. There are separate arrangements, laid down by law to cover the following:

- Appeals against admissions to schools.
- Appeals about statutory assessments and against Education Health Care Plans.
- School re-organisation proposals.
- Matters likely to require a Child Protection Investigation
- Appeals against the Exclusion of Children from School
- Whistleblowing
- Staff Grievance & Disciplinary procedures
- Services provided by other providers who may use the school premises or facilities.

For further guidance on any of the above, please contact the Head teacher.

Aims

Our school aims to 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 person or 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 and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- 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. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.



Definitions

The 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”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay



Stages of complaint

Stage One: Informal

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if members of staff are made aware of the procedures, they know what to do when they receive a complaint.

In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that they would have difficulty discussing a complaint with that particular member of staff they should be referred to another staff member. Where the complaint concerns the head teacher, or a governor, the complainant should be referred to the chair of governors if the complainant feels unable to discuss with the individual involved. Complaints against the Chair of Governors should be addressed to the Clerk to Governors.

Similarly, if a member of staff/head teacher/chair of governors feels too compromised to deal with a complaint it should be referred to another member of staff or another governor. The ability to consider the complaint objectively and impartially is crucial and it is also important to give an indication of timescale if it is found that the complaint requires further investigation.

If a complainant first approaches a governor, they should be referred, via the Head Teacher, to the appropriate person i.e. the member of staff concerned or the chair of governors. **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 committee at a later stage of the procedure.**

It is hoped the majority of complaints can be resolved at this informal stage and to this end it may be useful to involve the Client Relations service, within the Children's Services Directorate of the Local Authority, who are available to advise parents on the complaints process and may on occasion help to facilitate contact with the school. The School Support Service can advise the school on procedure.



Stage Two: Formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the school office on 01670 712440

If the complainant is dissatisfied with the outcome of Stage 1 or the way the complaint has been handled at stage one and wishes to pursue their initial complaint further, the head teacher/chair of governors may delegate the task of formally investigating the complaint to another staff member or another governor.

The head teacher/chair of governors may also, in exceptional circumstances, commission an investigating officer report to be undertaken by an external consultant. The person making the complaint should be informed that an investigation is underway and that they will receive a response within 25 working days, or a letter explaining the reason for any subsequent delay.

Once the relevant facts have been established and conclusions drawn, the head teacher/chair of 2 2018/19 Complaints Procedure (V2) governors/nominated officer should relay the decision, and the reason for the decision, in writing to the complainant.

Mediation (Optional stage)

*The School **may** offer the option of mediation following the investigative stage of the complaint consideration, if the complainant is not satisfied with the outcome at Stage 2, this is not instead of Stage 3 rather as additional way of reaching agreement and securing a way forward. Complainants do not have to accept mediation nor do the school have to offer this step if it is felt to be inappropriate.*



Stage Three: Complaint Heard by Governing Bodies Complaints Committee

If the complainant is still dissatisfied with the outcome they should contact the head teacher/chair of governors/nominated officer giving details of the complaint within ten school days of receipt of the stage 2 decision letter. The chair or nominated officer governor will convene a governing body complaints committee, if they consider it appropriate, after considering the report of the investigating officer and the request of the complainant - the usual practice at Stage 3 would be to convene a Panel as the complainant should be allowed to complete the complaints procedure in full.

When convened, the committee will consist of a minimum of three governors with delegated powers. The committee will be appointed by the chair of governors with the chair of the committee being appointed when they meet. The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- convene a hearing at which the complainant will be invited to put forward their case. This should be held within 20 working days of the decision to hold the hearing;
- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the Local Authority. If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision of the committee within five school days.



COMPLAINTS AGAINST THE HEADTEACHER, A GOVERNOR OR THE GOVERNING BOARD

Stage 1: informal

Complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in stages of complaint above).

Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in stages of complaint above). They will be appointed by the governing board, and will write a formal response at the end of their investigation.

Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from local schools or the local authority and will carry out the steps at stage 3 (set out in stages of complaint above).

Referring complaints on completion of the school's procedure

If, after following the school's own complaints procedure, the complainant is dissatisfied with the outcome at Stage 3, or if there are reasons why they cannot use that procedure - for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education, using the online **school complaints form**.

It should be noted that these complaints committees are not a form of legal proceeding and therefore it is inappropriate for either the school or the complainant to bring legal representation. The exception to this would be if a member of staff, as a witness, wished to bring individual union or legal representation. If a complainant should decide to commence legal action against the school in relation to their complaint then the school would consider suspending the complaints procedure until such legal proceedings had concluded.

Making a complaint to the Department should only happen once all other routes have been followed.

The exception to this may be where there is a child protection concern, or where a child is missing education.

More information about making a complaint can be found on the DfE website:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/how-to-complain>

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If a complaint has been made by a number of parents and it is about a whole school issue they may, at any stage of the procedure, ask the Chief Inspector of schools to investigate their complaint. The Chief Inspector may or may not require the school's complaints procedure to be exhausted before he decides whether or not to investigate.

However, should the school become the focus of a complaint campaign; receiving a large volume of connected complaints all based on the same subject or from complainants unconnected with the school then the school reserves the right to deal with these complaints by means of either a template response or a general response posted on the school website.

PERSISTENT COMPLAINTS

Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. **We may:**

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary



Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.**

DUPLICATE COMPLAINTS

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

COMPLAINT CAMPAIGNS

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

RECORD KEEPING

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

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

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.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

LEARNING LESSONS

The Chair of Governors will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, 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.

MONITORING ARRANGEMENTS

The Governing Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Committee will track the number and nature of complaints, and review underlying issues as stated in Learning Lessons section.

This policy will be reviewed by the Governing Committee and the Headteacher every three years. At each review, the policy will be approved by Governing Committee and the Headteacher.



EXEMPLAR COMPLAINT FORM

Please complete and return to Rachel Coleman (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken. If you have difficulties completing the form please contact the school so specific arrangements to consider your complaint can be made.

Your name:

Pupil's name (if applicable)

Your relationship to the pupil (if applicable):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E mail:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint (Who did you speak to and what was the response)?

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 Only

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

ROLES WITHIN COMPLAINTS PROCEDURE

Complainant

The complainant is the person who raises their issue with the school in line with the school's complaints procedure. Individuals are expected to engage with the process in an open and honest manner in order to try to reach an equitable outcome. Complainants need to consider what they would feel to be appropriate outcomes from the process. Complainants must not try to pursue their complaint outside the process as this can cause difficulties in accessing sufficient individuals without connections to the complaint if too many people are contacted at the initial stages.

Initial Contact

Anyone who is contacted by the complainant would be the initial contact - the only role this person would have within the process would be to ensure that the complainant had a copy of the complaints procedure and how to move this forward. No discussion of the actual complaint should take place other than to identify who the complaint should properly be addressed to.

Stage 1 Contact

The complaints procedure expects that all complaints should be resolved at the earliest opportunity with the person most associated with the allegation being made - this could be a class teacher or other member of staff. A face to face discussion would usually be the first step and many complaints can be brought to a conclusion at this stage. Otherwise, the Head Teacher might take this role if the member of staff or the complainant is not comfortable with the usual arrangements. Exceptionally, if the complaint is about the Head Teacher and they are not able to participate in the Stage 1 discussion, the Chair of Governors might take this role or delegate to another appropriate Governor.

Nominated Officer

Depending on the level at which the Stage 1 discussion is held, this role may be taken by a senior leader; the Head Teacher; a Governor designated by the Chair or the Chair of Governors themselves. The role of Nominated Officer would be to commission an investigation report from an Investigating Officer. The

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Nominated Officer would prepare a brief for the Investigating Officer to follow based on the substance of the complaint. On receipt of the Investigating Officers report the Nominated Officer would draw up and send a Stage 2 Outcome Letter to the Complainant. The Nominated Officer would also consider the appropriate response to complainants not satisfied at Stage 2. The Nominated Officer would also present the school case to the Panel at Stage 3 should this be required.

Investigating Officer

Depending on the level at which the Stage 1 discussion is held, this role may be taken by a senior leader; the Head Teacher; a Governor designated by the Chair or the Chair of Governors themselves. Exceptionally, if there is no-one with sufficient independence, an Investigating Officer may be commissioned from outside of the school but it is likely that there would be a cost to this. The Investigating Officer would interview witnesses; scrutinise documentation, formulate conclusions and draw up recommendations within a report prepared for the Nominated Officer.

Panel Chair or Member

Should the complaint move to Stage 3 a Panel might be drawn up to consider the school case - both complainant and Nominated Officer would attend to present their case; each would be able to call witnesses as appropriate. The Chair of the Panel would be voted from within the panel and would be responsible for communicating the judgement to the Panel in a Stage 3 outcome letter.

Witnesses

Individuals identified as having specific knowledge in respect of the complaint would be identified as potential witnesses - these witnesses would be interviewed by the Investigating Officers and statements drawn up for signature. These statements would form part of the evidence in support of the Investigating Officer's conclusions and recommendations within their report to the Nominated Officer.

Support for Procedure

Schools that buy into the Clerking or Governance Advice SLA may access support from the School Support Team - Schools outside these SLA's would need to purchase such support on a "pay as you go" basis.

Sanctions - Complainants should understand that the purpose of having a complaints procedure is to secure better outcomes for the future; it is not a means for punitive actions against individuals. In exceptional circumstances where capability or disciplinary action might be identified as necessary, complainants would have no right of access to that information or any subsequent outcomes.

Document Record

Version	Reason for Amendments/Update/Review	Date of Adoption by Hareside Primary School	Date of next review by Hareside Primary School
1.0	New policy and procedure provided by Northumberland County Council	13/2/2020	
1.1	Agreed at Full Governor Meeting	13/2/2020	Feb 2023
	Policy and procedure review due Feb 2023	31/01/2023	January 2026
	Consultation with staff and parents	31/01/2023	
	Agreed by Full Governing Body		



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