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Complaints Policy





ST MARGARET'S AT HASBURY (VC) PRIMARY SCHOOL





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Children's Services Policy

Title:	General Complaints Procedure for Maintained Schools
Policy Purpose:	To provide a procedure for general complaints in maintained schools, including the managing of serial or unreasonable complaints or contacts.
Policy Contact:	Jo Moules, Senior School Improvement Officer
Policy Date:	1st September 2022
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Consultation / Agreement:	This policy has been formulated in consultation with the NEU, NASUWT, ASCL, NAHT, GMB and Unison and agreed with NEU, NASUWT, ASCL, NAHT, GMB and Unison

This procedure applies to all maintained schools where Governing Boards choose to adopt it in its entirety or in part.

However, Section 29 of the 2002 Education Act requires governing bodies of maintained schools to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, **other than** "complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision", and to publicise these procedures.

It has been drawn up using the Best Practice Guidance for School Complaints Procedures, 2019 and the Model Complaints Procedure that accompanies it.

A maintained school who does not adopt this procedure must devise their own procedure being mindful of the changes within the guidance and the model procedure relating specifically to the role of the Local Authority who no longer form part of the formal processes, most specifically, what was historically referred to as Stage 5 (Complaint heard by the Local Authority).

Schools are at liberty to amend many of the timescales identified in the procedure as those indicated are for guidance only, see Appendix 2.

This procedure has incorporated the separate DfE Model Policy for Managing Serial and Unreasonable Complaints as it seems most appropriate that these should sit together. The model policy, as suggested by the DfE, has been adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

However, since the Policy for Managing Serial and Unreasonable Complaints or Contact does not always relate to complaints it also exists as a policy in its own right and will be published as such.

Dudley Metropolitan Borough Council

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Note: Throughout the document the term governing board is used, this term includes governing boards, governing bodies, local governing boards or management committees.

1.0 Purpose

The purpose of this procedure is to provide a robust process for dealing with complaints relating to the school or its employees, including the provision of facilities or services.

This procedure also includes a provision for dealing with vexatious, malicious or repetitive unfounded complaints.

2.0 Scope

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 St Margaret's at Hasbury (VC) 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, see Appendix 5 for a full list), we will use this complaints procedure. This procedure is not to be used when considering complaints from staff. In such instances, the school's grievance policy should be applied.

3.0 Aims of Procedure

The aim of this procedure is to:

- Achieve informal resolution wherever possible;
- Resolve general complaints efficiently and effectively;
- Provide a transparent process for dealing with complaints, both formally and informally;

- Ensure that all stages of the procedure will be investigatory rather than adversarial;
- Ensure that every complaint is heard and handled appropriately;
- Deal with complaints sensitivity, impartiality and confidentiality;
- Allow redress where necessary and provide information for the School Management team to improve services.

4.0 Legal Context

Section 29 of the 2002 Education Act requires governing bodies of maintained schools to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, other than complaints that are dealt with under other statutory procedures (See Appendix 5), and to publicise these procedures.

5.0 Complaints Procedure

The majority of issues raised by parents, carers, the community, visitors, volunteers or pupils, are concerns rather than complaints.

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 all 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. St Margaret's at Hasbury (VC) 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, the schools nominated Complaints Administrator, will refer you to an alternative member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Complaints Administrator 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, St Margaret's at Hasbury (VC) Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

5.1 How to Raise a Concern or Make a Complaint

A concern or complaint can be made in person, in writing (by letter or email) or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

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

Complainants 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 2 of the procedure.

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

Complaints that involve or are about the Headteacher should be addressed to 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 board should be addressed to schools nominated Complaints Administrator via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included with this document (Appendix 1). If you require help in completing the form, please contact the school office. You can also ask third party organisations, such as 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.

5.2 Anonymous Complaints

We will not normally investigate anonymous complaints unless there are exceptional circumstances, for example if there were serious child protection concerns or bullying allegations where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation. The Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

5.3 Timescales

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.

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 St Margaret's at Hasbury (VC) 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.

5.4 Complaints Procedure Outside of Term Time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

If a complaint is already going through the procedure and this is interrupted by a holiday the procedure will be paused until the holiday has ended. If the procedure is close to concluding as the holiday approaches, we will make reasonable attempts to get the procedure to an end prior to the holiday period but this may not always be possible.

5.5 Resolving Complaints

At each stage in the procedure, St Margaret's at Hasbury (VC) Primary School wants to resolve the 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 the relevant school policies in light of the complaint;
- an apology.

When we inform you of the outcome of your complaint, we will tell you as much of the details as we can, but possibly not everything. Telling you all the details may prejudice any employee complained about and affect their ability to carry out their job effectively. The release of too much information might prevent us from the use of our disciplinary or capability procedures or contravene the employee's employment or data protection rights.

The procedure is designed to resolve any concerns with the minimum of conflict. To do this it is important that everyone has confidence in it and that it secures the "closure" of any complaint or concern.

It is unhelpful if a complaint is broadcast to the school community. Therefore, the school will make it clear to any person who raises a concern, that the school will treat the matter confidentially and will ask the complainant to do the same. The complainant must refrain from publicising the details of their complaint on social media.

5.6 Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing (by letter or email).

5.7 Safeguarding

Where a complaint highlights a clear child protection or safeguarding concern, a referral to the Schools Designated Safeguarding Lead (DSL) will take place immediately.

5.8 The Formal Stages of the Complaints Procedure

St Margaret's at Hasbury (VC) Primary School has a clear procedure for receiving enquiries, concerns and complaints so that they are directed to the appropriate people to be dealt with.

Informal attempts to resolve the situation should have been made including, if needed, mediation, before a complaint is escalated to the formal stages.

There are two stages to the formal complaints 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 (by letter or email, and preferably on the complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and opened and will acknowledge this with the complainant in writing (by letter or email) within **5** school days.

Within this response, the Headteacher will 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
- wherever possible these should be read and agreed with those being interviewed and signed to confirm this has happened

At the conclusion of their investigation, the Headteacher will provide a formal written response within **15** 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 St Margaret's at Hasbury (VC) Primary School will take to resolve the complaint, see 5.5 above.

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 board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher should be made to the Chair of Governors. Complaints about a member of the governing board must be made to the schools nominated Complaints Administrator, via the school office.

If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the governing board or (<insert Diocese details if appropriate>). When concluding their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1, and can clearly state their grounds for doing so, they can escalate the complaint to Stage 2 – a meeting with members of the governing board's complaints committee, which will be formed of three impartial governors, who are available. This is the final stage of the complaint's procedure. It is not appropriate for a staff governor to sit on this committee, and it would be unwise to use parent governors, unless the complaint is about a service the school provides, and does not relate directly to a pupil or members of staff.

A request to escalate to Stage 2 must be made to the schools nominated Complaints Administrator, via the school office, within **10** school days of receipt of the Stage 1 response.

The schools nominated Complaints Administrator will record the date the complaint is received and opened and acknowledge this with the complainant in writing (by letter or email) within **5** school days.

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

The school's nominated Complaints Administrator will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **15** school days of receipt of the Stage 2 request. If this is not possible, the schools nominated Complaints Administrator will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the schools nominated Complaints Administrator will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from all 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 St Margaret's at Hasbury (VC) Primary School available, the schools nominated Complaints Administrator will source any additional, independent governors through another local school or through their LA's Governor Services team, to ensure there is appropriate representation on the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations. In making their decision they will need to be sensitive to the complainant's needs and give due consideration to the complainant's wishes.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend who should act in a supportive role as described in the roles and responsibilities in Appendix 2. 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 example, 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 complaint's 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 schools nominated Complaints Administrator 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 not consider any new complaints at this stage or consider evidence unrelated to the initial complaint. Any new complaints must be dealt with using 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. It is strongly recommended that an experienced and independent clerk is used to take the minutes and provide support for the committee. Accurate minutes are essential to prevent misunderstandings and issues at a later date.

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 Chair of the committee will provide the complainant and St Margaret's at Hasbury (VC) Primary School with a full explanation of their decision and the reason(s) for it, in writing (by letter or email), 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 St Margaret's at Hasbury (VC) Primary School.

If the complaint is:

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

Stage 2 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 St Margaret's at Hasbury (VC) 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.

6.0 Next Steps for the Complainant

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 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by St Margaret's at Hasbury (VC) Primary School. They will consider whether St Margaret's at Hasbury (VC) 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, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
ManchesterM1 2WD.

7.0 Policy for managing serial and unreasonable complaints or contact

St Margaret's at Hasbury (VC) Primary School is committed to dealing with all concerns or complaints fairly and impartially, and to providing a high-quality service to those who raise them. We will not normally limit the contact complainants have with our 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.

St Margaret's at Hasbury (VC) Primary School defines unreasonable behaviour as that which hinders our consideration of concerns or complaints because of the frequency or nature of the contact with the school, such as, if the person contacting the school:

- refuses to articulate their concern or complaint or specify the grounds of a concern or complaint or the outcomes sought by raising the concern or complaint, despite offers of assistance;
- refuses to co-operate with the investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the concern or 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 raise the same concern or complaint (despite previous investigations or responses concluding that the concern or 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 concern or complaint in person, in writing, by email and by telephone while it 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.

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

If the school feels the contacts are unreasonable, have made this clear and the behaviour continues, the Headteacher will write to the person raising the concern or complaint explaining that their behaviour is unreasonable and ask them to change it. For people who excessively contact St Margaret's at Hasbury (VC) Primary School as described above and cause a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing (by letter or email). This may include barring an individual from St Margaret's at Hasbury (VC) Primary School premises.

Appendix 1 Complaint Form – It is NOT a requirement to use this form, but it may help the school in dealing with your complaint if you do.

Please complete and return to the school Complaints Administrator who will distribute it to the appropriate person, acknowledge receipt and explain what action will be taken. In the interest of ensuring a satisfactory outcome, we may contact you to see if this issue can be resolved as a concern rather than a formal complaint.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:** **Mobile telephone number:** **Email Address:**

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.
If your complaint <u>has already been looked into at Stage 1</u> (normally by the Head Teacher, see policy) what are your grounds for escalating the complaint?
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to: **Stage: Concern / Stage 1 / Stage 2 / TBC**
Date:

Appendix 2: Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality;

- provide clear grounds for escalating the complaint to Stage 2 if this should happen;

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
    - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
    - interviewing staff and children/young people and other people relevant to the complaint;
    - consideration of records and other relevant information;
    - analysing and evaluating information.
- liaising with the complainant and the Complaints Administrator as appropriate, to clarify what actions the complainant feels would rectify the situation.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond;
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

  The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Nominated Complaints Administrator

This could be the Headteacher but it might be more appropriate if it were a designated staff member with either teaching or senior administrator responsibilities or a complaints governor. If the school directly employs its own Clerk to the Governors, they could also take on this role, see appendix 4.

The Complaints Administrator should, either directly or by delegation:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, Headteacher, Chair of Governors, Clerk and the LA (if appropriate) to ensure the smooth running of the complaints procedure;
- ensure that all people involved in the complaints procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- make a full and accurate record of the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the committee's decision;
- be aware of issues regarding:
    - sharing third party information
    - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Complaints Administrator) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- the remit of the committee is explained to the complainant;
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- both the complainant and the school should be given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made clear;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- minutes of the meeting are taken;
- they liaise with the Clerk and Complaints Administrator.

If a new but related issue arises, it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.

Committee Member

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so;
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant;
- many complainants will feel nervous and inhibited in a formal setting;
- parents/carers often feel emotional when discussing an issue that affects their child;
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting;
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated
- the committee should respect the views of the child/young person and give them equal consideration to those of adults;

Supporter of the complainant

The complainant is entitled to bring a supporter with them to any meeting of the committee. The supporter should:

- provide emotional support for the complainant, should they need it;
- provide informal guidance to the complaint, where appropriate;
- address the committee if requested;
- act discreetly and allow the committee to go about work without undue interruption;
- regard all information discussed as confidential.

The supporter is not there to speak for the complainant or to represent them in any way unless there is a clear reason why a complainant is unable to fully express themselves.

Appendix 3 The Importance of the School's Complaints Administrator

The role of Complaints Administrator is a very important one and a number of schools across the country have adopted this way of working for some time. There are no hard and fast rules as to who can be take responsibility for to this role, so the choice is one for each school to decide for itself. Bear in mind the nature of the role and try to ensure that it is someone with sufficient standing within the school to fulfil all the functions identified.

The DfE guidance that this procedure is based upon occasionally makes reference to the Clerk to the Governors within the roles and responsibilities the procedure outlines. Many schools across the country do not employ a clerk directly but rely on various clerking services provided by local authority traded services or independent service providers in their local area. In such cases, the use of the clerk might not be in the schools best interest because:

- they would need to pay for the service of the clerk in performing those duties, which would require an open ended financial commitment that may not be within agreed budgets;

- information about many concerns or complaints would be passed through services external to the school such as the local authority or an independent service provider;

- the guidance no longer includes the role of the local authority or, where relevant, the diocese, in the complaints procedure (the old Stage 5).

Where the DfE included the role of the clerk we have substituted the Complaints Administrator role in most cases, but have recognised that they may directly undertake tasks or delegate them as appropriate.

Appendix 4: Types of complaint excluded from the procedure and dealt with under other statutory procedures

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

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Dudley's School Admissions Service
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.

	If you are worried about a child you can telephone the MASH Team for advice and consultation on 0300 555 0050 9am - 5pm OR 0300 555 8574 after 5pm/weekends and Bank Holidays. You can also complete a Multi Agency Referral Form (MARF) and email children's services at MASH_Referrals@dudley.gov.uk
Exclusion of children from school*	Further information about raising concerns relating to exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure. <link to school behaviour policy>.*
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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: www.education.gov.uk/contactus. 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.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	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.
Complaints about services provided by other providers who use school premises or facilities but are not employed directly by the school	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

Appendix 5: Summary of the School Complaints Procedure for St Margaret's at Hasbury (VC) Primary School

The 2002 Education Act requires governing bodies of schools to have a procedure for complaints about the school and for them to be available for everyone to see. This is a summary of the complaints procedure for St Margaret's at Hasbury (VC) Primary School. You should also look at the full procedure to ensure that you understand all the details.

Concerns

Most issues raised by parents, carers or other people are concerns rather than complaints. A concern means you have a worry or doubt over something that you think is important and you would like reassurances about it. The best way to resolve your concerns is to approach a school in the first instance.

Complaints

A complaint means that you want to express dissatisfaction about an action the school has taken or a lack of action. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. St Margaret's at Hasbury (VC) Primary School takes complaints seriously and will make every effort to resolve the matter as quickly as possible.

How to make a complaint

A concern or complaint can be made in person, in writing (by letter or email) or by telephone. Concerns should be raised with either the class teacher or Headteacher. If, once you have done this, you are still not happy, the next step is to make a formal complaint. You must raise the complaint within three months of the incident or, if it is a series of similar incidents, within three months of the last of the incidents.

Most complaints (except when it is about the Headteacher) should be made in the first instance, to the Headteacher via the school office**.** Complaints that involve, or are about, the Headteacher should be addressed to the Chair of Governors, via the school office. Complaints about the Chair of Governors or any other governors should be addressed to school's Complaints Administrator via the school office. Please mark any complaint as Private and Confidential. The full complaints procedure contains a form you can use to record your complaint.

Complaints made outside of term time will only be looked at on the first school day after the holiday. If a complaint is already going through the procedure and this is interrupted by a school holiday, the procedure will pause until the holiday has ended. There is a list of timescales in the full complaints procedure document if you need to check them.

The Formal Stages of the Complaints Procedure

St Margaret's at Hasbury (VC) Primary School has a clear procedure for receiving enquiries, concerns and complaints, so that they are directed to the right people and can be dealt with efficiently. There are two stages to the formal complaints procedure. If your complaint is about the Headteacher or governors, please refer to the full complaints procedure for details of what to do.

Stage 1

This must be made to the Headteacher via the school office. The Headteacher will seek to clarify the details of the complaint and might want to contact you to ask what you feel needs to be done and what outcome you would like to see.

During the investigation, the Headteacher will, if necessary, interview those involved to come to a decision. At the end of their investigation, the Headteacher will write a formal response and send it to you.

Stage 2

If you are not satisfied with the outcome of Stage 1, and can clearly explain why, you can ask for the complaint to be heard at Stage 2 – a meeting with members of the governing board's complaints committee. This is the final stage of the complaints procedure. A request to move to Stage 2 must be made to the school's Complaints Administrator, via the school office, within 10 school days of you receiving the Stage 1 response.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. They will not be members of staff at the school and will probably not be parents.

The committee will decide whether to deal with the complaint by inviting those involved to a meeting or by looking through written evidence on its own. Their decision about that should be sensitive to your needs and wishes.

If you are invited to attend the meeting, you can bring someone along for support. This can be a relative or friend who should act in a supportive role as described in the roles and responsibilities section (Appendix 3) of the full procedure .

All written material will be circulated to everyone involved at least 3 school days before the date of the meeting. The meeting will then be held in private and minutes will be taken.

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 Chair of the Committee will provide you and St Margaret's at Hasbury (VC) Primary School with a full explanation of their decision and the reason(s) for it, in writing within **10** school days of the meeting.

If, at the completion of stage 2, you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably, you can contact the Department for Education. You must not do this before the end of Stage 2 because the Department for Education will require you to go back and follow the school's complaints procedure until it is complete.

The Department for Education will not normally reinvestigate a complaint or overturn any decision made by St Margaret's at Hasbury (VC) Primary School. They will consider whether St Margaret's at Hasbury (VC) Primary School has followed education legislation correctly and any policies connected to the complaint.

You can refer a complaint to the Department for Education online at: 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

The full version of the school's complaints procedure can be found at <insert web link>

Appendix 6: Timescales Within the Complaints Procedure

The timescales identified in this table have been consulted on with unions and associations, although the DfE model procedure does allow for governing boards to amend many of these if they see fit.

The timescales identified are recommendations, based on fairness and the principles in previous 2015 complaints procedure.

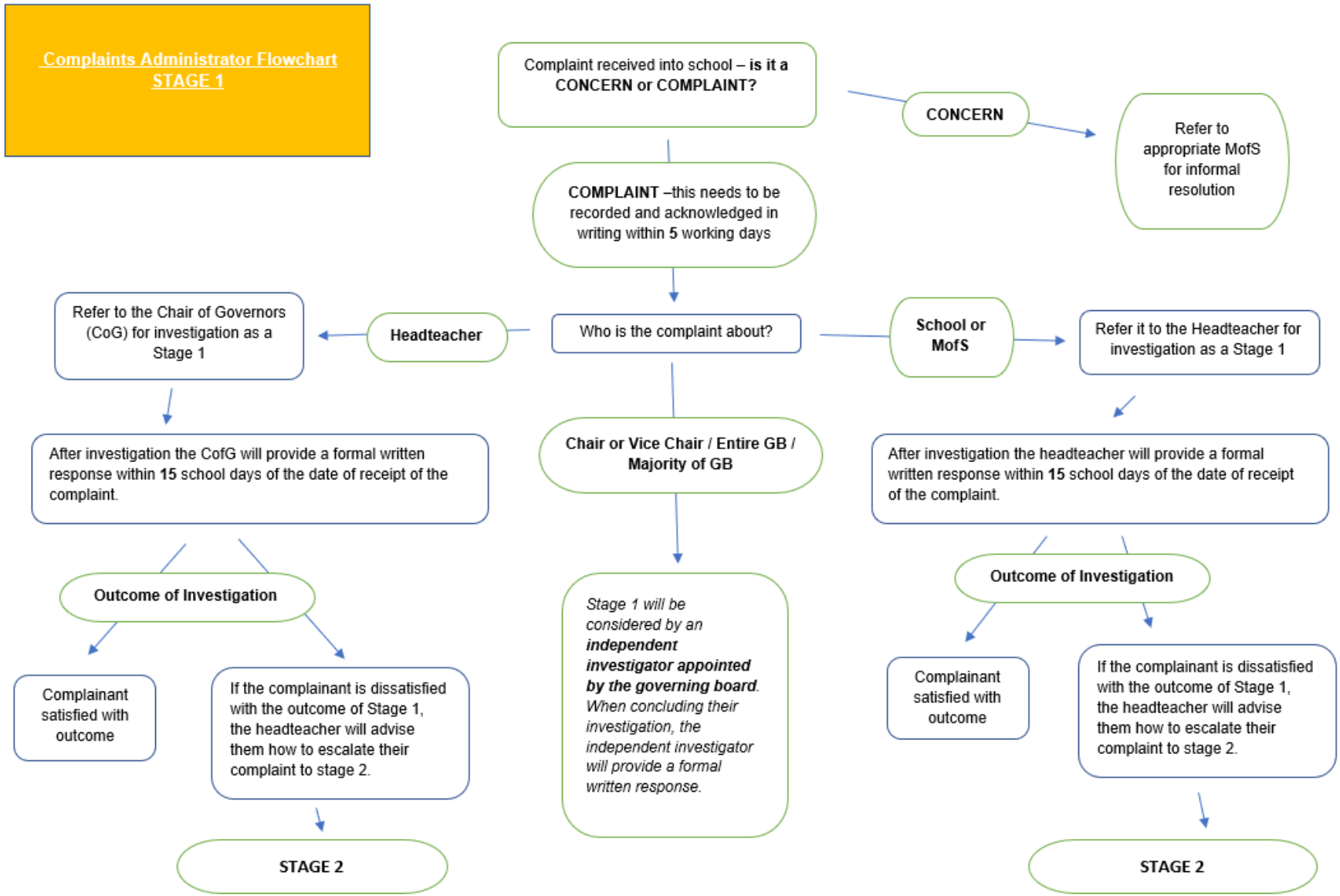
These timescales should be adhered to where possible, but delays can and do occur. This is acceptable as long as all parties are kept informed of the revised timescales and there is no attempt to unnecessarily delay the process.

The timescales identified below appear in the main text, the page number will help to identify them.

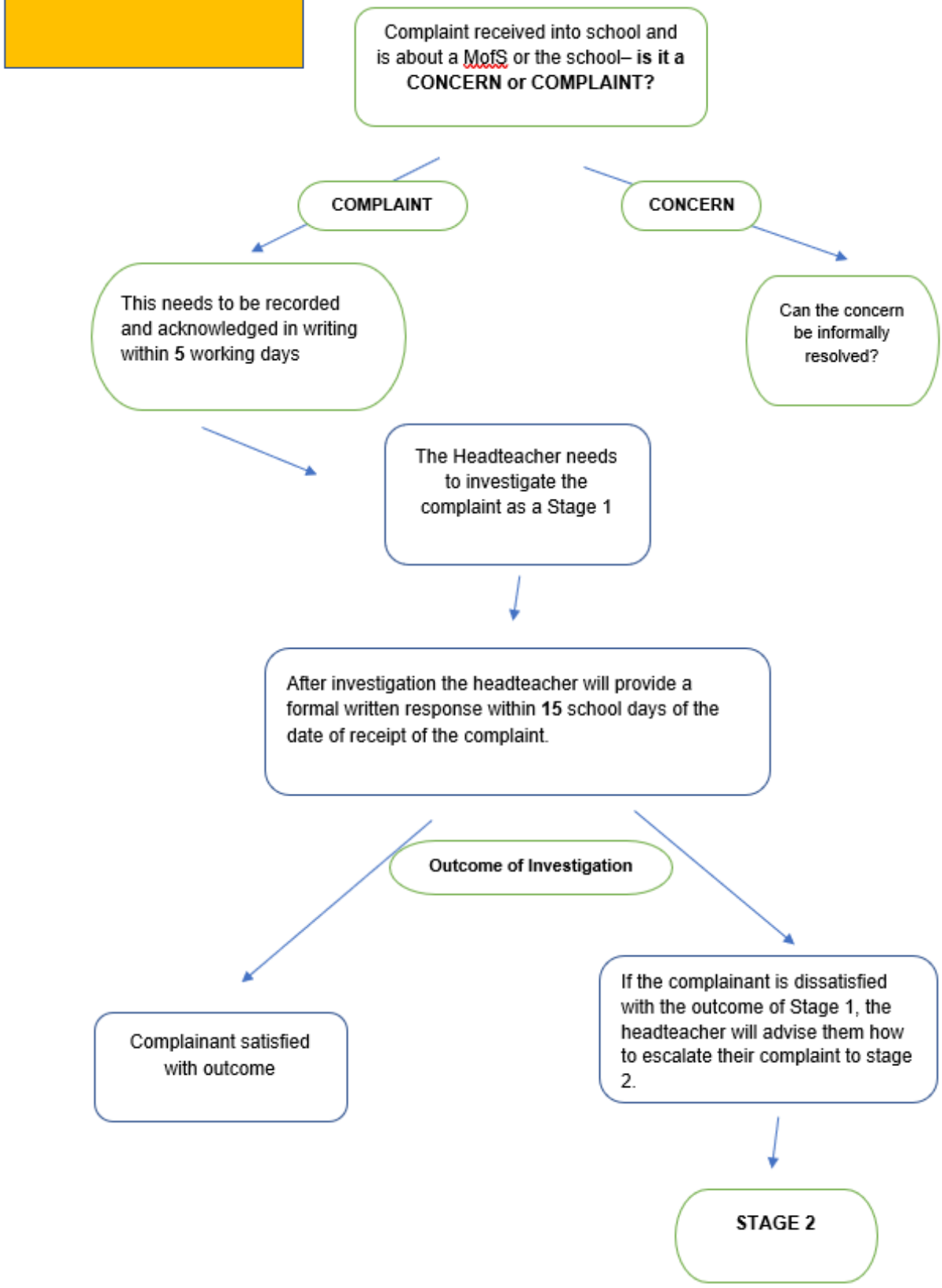
Page	Type of action	Suggested timescale
4	Time scale in which a complaint must be raised	Within 3 months of the incident See note below
6	Timescale for the acknowledgment of receipt of a complaint by the Headteacher	Within 5 school days of the date of receipt of complaint
6	Timescale for the formal response after the investigation has taken place	Within 15 school days of the date of the receipt of complaint
7	Timescale for the receipt of a stage 2 complaint once the findings of stage 1 are communicated	Within 10 school days of receipt of the stage 1 response
7	Timescale for school's Complaints Administrator to acknowledge the stage 2 complaint	Within 5 school days of the date of the receipt of stage 2 request
7	Timescale for the convening a meeting with the complaints committee	Within 15 school days of receipt of the stage 2 request
8	Timescale for administrator to communicate the date of the meeting	At least 10 school days before the date of the meeting
8	Timescale for the submission of paperwork	At least 5 school days before the meeting
8	Timescale for paperwork to be distributed to all parties	At least 3 school days before the meeting
8	Timescale for the provision of a full report following a complaints committee decision	Within 10 school days of the committee meeting

Note: In the DfE example procedure there is no option to change the 3-month limit for the submission of a complaint. That limit has been used in this procedure, but at all times common sense should prevail and it is better to make the attempt to resolve a current complaint rather than leave it unresolved. The limit is intended to prevent an historic complaint from the distant past taking up undue time and resources. Clearly if there is an episodic nature to the complaint or it is of a very serious nature all reasonable attempts should be made to resolve it.

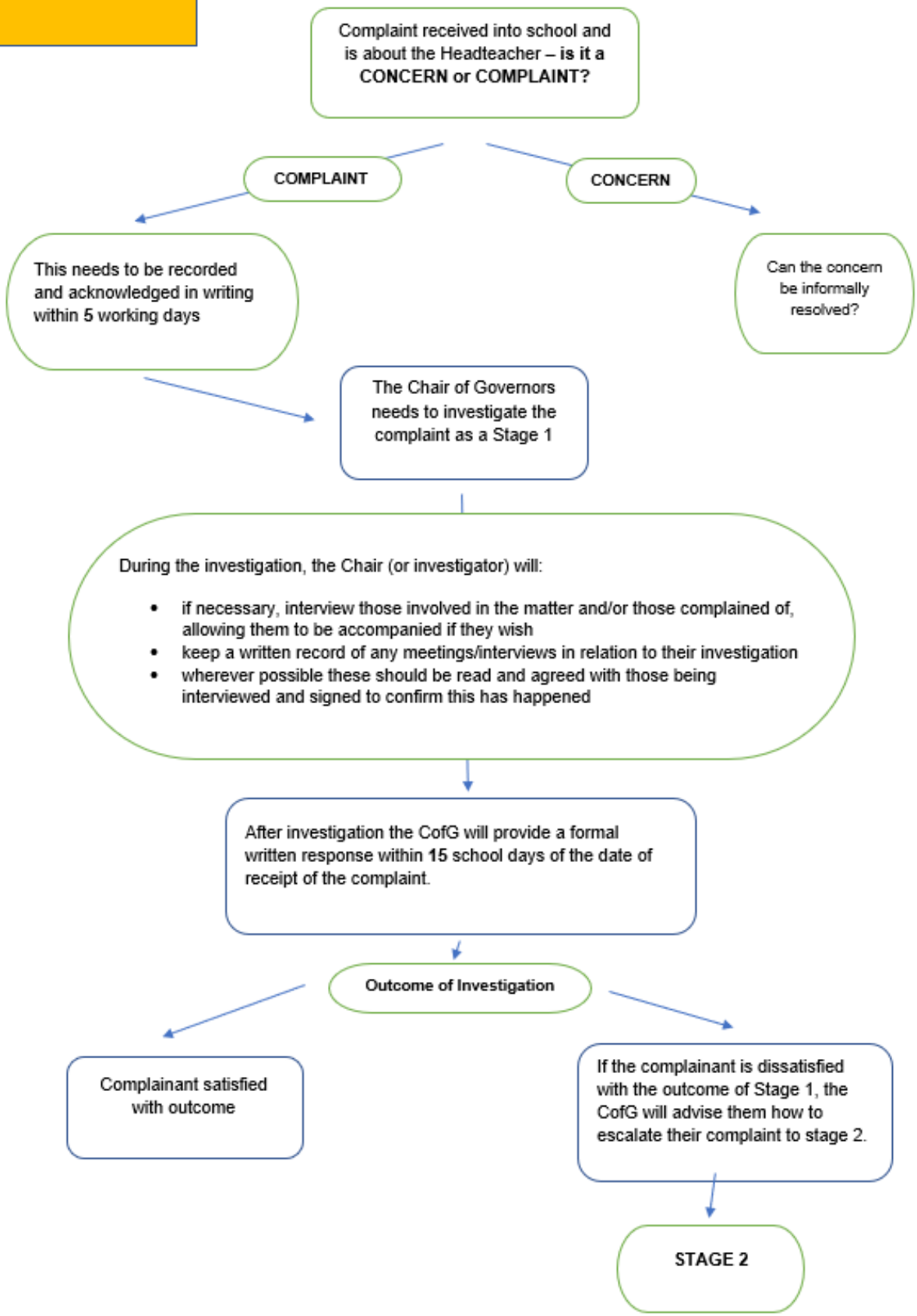
Appendix 7: Flowcharts Illustrating the Complaints Procedure


Complaints Administrator Flowchart
STAGE 1
Complaint received into school – is it a CONCERN or COMPLAINT?
CONCERN
Refer to appropriate MofS for informal resolution
COMPLAINT –this needs to be recorded and acknowledged in writing within 5 working days
Who is the complaint about?
Headteacher
Refer to the Chair of Governors (CoG) for investigation as a Stage 1
School or MofS
Refer it to the Headteacher for investigation as a Stage 1
Chair or Vice Chair / Entire GB / Majority of GB
Stage 1 will be considered by an independent investigator appointed by the governing board. When concluding their investigation, the independent investigator will provide a formal written response.
After investigation the CofG will provide a formal written response within 15 school days of the date of receipt of the complaint.
Outcome of Investigation
Complainant satisfied with outcome
If the complainant is dissatisfied with the outcome of Stage 1, the headteacher will advise them how to escalate their complaint to stage 2.
STAGE 2
After investigation the headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.
Outcome of Investigation
Complainant satisfied with outcome
If the complainant is dissatisfied with the outcome of Stage 1, the headteacher will advise them how to escalate their complaint to stage 2.
STAGE 2

Headteacher Complaints Flowchart



Chair of Governors Complaints Flowchart



Appendix 2: Stage 2 Complaint

- If the complainant is **dissatisfied** with the outcome at Stage 1, and can clearly state their grounds for doing so, they can escalate the complaint to Stage 2
- A request to escalate to Stage 2 must be made to the schools nominated complaints administrator, via the school office, within **10** school days of receipt of the Stage 1 response.
- The schools nominated complaints administrator will record the date the complaint is received and opened and acknowledge this with the complainant in writing (by letter or email) within **5** school days.

Constitute a Committee -The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint

Decide on Chair of the Complaints Committee. Assign an experienced and independent clerk to take the minutes and provide support for the committee.

Decide how it intends to deal with the investigation. - The purpose of the committee's work is to reinvestigate the matter complained about in full.

INVESTIGATION

Once the committee has satisfied itself it has all the information it requires to reach a decision it should discuss the submissions, opinions, and evidence it has gained through discussion and questioning and come to a decision.

DECISION

uphold the complaint in whole or in part

dismiss the complaint in whole or in part.

- 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

The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing (by letter or email), within **10** school days.

Appendix 8: Guidance on investigations at Stage 2

"If the complainant is dissatisfied with the outcome at Stage 1, and can clearly state their grounds for doing so, they can escalate the complaint to Stage 2 – a meeting with members of the governing board's complaints committee, which will be formed of three impartial governors, who are available."

Schools Complaints Procedure, Page 7.

There is no set format for the investigation of a complaint at Stage 2 within the DfE model procedure. However, the following suggestions are made as a guide to the main principles and best practice in approaching a Stage 2 complaint.

Principles

Those investigating a complaint should:

- do so in a timely manner with no undue delay
- consider all the available evidence about the issue that has been raised
- do so with an open mind and in a spirit of fairness to all parties
- communicate effectively with all parties and keep them informed of progress
- come to a clear decision to dismiss, partly uphold the complaint or uphold the complaint in its entirety
- 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.

Constitution of the Committee

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. It is not appropriate for a staff governor to sit on this committee, and it would be unwise to use parent governors, unless the complaint does not relate directly to a pupil or members of staff.

If there are fewer than three governors available, the schools nominated Complaints Administrator will source any additional, independent governors through another local school or through their LA's Governor Services team, to ensure there is appropriate representation on the committee. Alternatively, an entirely independent committee may be convened to consider the Stage 2 complaint.

Suggested procedure

The first action the committee should take is to decide amongst themselves who will act as the Chair of the Complaints Committee.

The committee will then decide how it intends to deal with the investigation. They could do this by inviting parties to a meeting or series of meetings, or simply through written representations. A combination of the two is usually the most satisfactory way forward. In making their decision they will need to be sensitive to the complainant's needs and give due consideration to the complainant's wishes. It is usually more satisfactory to meet the complainant at least once during the process as this allows for a more detailed discussion of the issues and helps to resolve any unanswered questions or misunderstandings.

The purpose of the committee's work is to reinvestigate the matter complained about in full. It is not there to simply look at the initial investigation and its findings or to restrict itself to a consideration of the procedure at Stage 1. This is a completely new investigation and understandably this may take more than one set of meetings. It may require the committee to question a number of people who may have been involved or ask for additional written information as their investigation unfolds. It is strongly recommended that an experienced and independent clerk is used to take the minutes and provide support for the committee. Accurate minutes are essential to prevent misunderstandings and issues at a later date.

The way the committee conducts itself should ensure the complainant has every opportunity to express their concerns and the committee should do everything it can to support them in doing this. Meetings with the complainant or the representative of the school should not be unnecessarily formal, adversarial, or interrogatory. The aim is for the committee to develop the most accurate picture of the situation it can. If the complainant is invited to attend any meetings, they should be allowed to bring someone along to provide support. This can be a relative or friend who should act in a supportive role as described in the roles and responsibilities, outlined in Appendix 2. The supporter is not there to speak for the complainant or to represent them in any way unless there is a clear reason why a complainant is unable to fully express themselves (for example, they do not speak fluent English or have some specific communication needs).

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 example, 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.

If the committee believed additional written information, not included in the complainant's submission, would be helpful, they can request this. Similarly, they can request additional written information from the school, usually from the Headteacher or their nominated member of staff. If the complainant requires support in preparing written submissions the committee should seek to find appropriate support for them.

Any written material need be circulated to all parties at least 3 school days before the date of any meetings in which their contents will be discussed. Neither the complainant nor the school should be "put on the spot" by the presentation of materials they are not aware are going to be discussed. If new documents or information is presented in such a way the committee should decide if an adjournment should be granted for all parties to consider their response. The committee may decide that certain very sensitive or personal documents/information should not be shared with the complainant or the school in full but wherever possible redacted versions should be shared. The withholding of documents or the redaction of elements of any documents should only be considered in exceptional circumstances and where there is a very clear reason for doing so.

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.

Representatives from the media are not permitted to attend any part of the process.

Any distinctly new or different complaint should be considered using the Stage 1 Procedure, but the committee has the discretion to consider new information or issues that have arisen, that are clearly very closely related to the initial complaint. They should take this decision in consultation with the complainant. If there is any doubt the complainant always has the right to have new complaints considered at Stage 1 and should be clearly informed of this.

While a joint meeting between the committee, the complainant and the representatives of the school may be a productive way forward there are risks in taking this approach. The meeting may be come adversarial or emotionally charged and the committee should think very carefully about whether this would be the right way forward. The committee should not insist on this type of approach and separate meetings with each party is the safer option and should be adopted if either side requests this. Consequently, there may be the need to meet each party more than once to explore any questions raised and this may need to be undertaken on more than one day, depending on circumstances.

Once the committee has satisfied itself it has all the information it requires to reach a decision it should discuss the submissions, opinions, and evidence it has gained through discussion and questioning and come to a decision.

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 Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing (by letter or email), within **10** school days. 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 which could include:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we the school 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 the relevant school policies in light of the complaint
- an apology.

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.

Appendix 9: Complaints Administrator Guide

Stage 1:

- Parental Complaint received, either in person, in writing (by letter or email) or by telephone. Please acknowledge receipt of the complaint within 24 hours, wherever possible and forward onto the Headteacher or Chair of Governors, as relevant.

  (Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential. Complaints that are directly about the Headteacher should be addressed to 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 board should be addressed to schools nominated Complaints Administrator via the school office. Please mark them as Private and Confidential).

  *(The Headteacher/COG will record the date the complaint is received and opened and will acknowledge this with the complainant in writing (by letter or email) within **5** school days. At the conclusion of their investigation, the Headteacher will provide a formal written response within **15** school days of the date of receipt of the complaint).*

- If the Headteacher/Chair of Governors is unable to meet this deadline, The School Complaints Administrator must provide the complainant with an update and revised response date.

- The School Complaints Administrator will send the conclusion letter to the complainant, via email, post, or asking the complainant to collect from the School Office, please obtain a delivery receipt.

Stage 2:

- A request to escalate to Stage 2 must be made to the schools nominated Complaints Administrator, via the school office, within **10** school days of receipt of the Stage 1 response.

- The schools nominated Complaints Administrator will record the date the complaint is received and opened and acknowledge this with the complainant in writing (by letter or email) within **5** school days.

- The school's nominated Complaints Administrator, will source a panel of three independent governors, communicating via email to agree a date and time of the investigation process, and meeting format etc (The panel will also decide on the Chair of the Committee)

  (The Complaints Administrator, can contact Governor Support for assistance with the panel of governors and independent clerk, if they wish)

- The Complaints Administrator will collate all the evidence from the Stage 1 complaint and send via email, post, or collection from the office to all panel members.

- The panel members will agree a format and liaise with the complaints co-ordinator on a regular basis.

- The school's nominated Complaints Administrator will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **15** school days of receipt of the Stage 2 request. If this is not possible, the schools nominated Complaints Administrator will provide an anticipated date and keep the complainant informed.

At least **10** school days before the meeting, the schools nominated Complaints Administrator 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.

- If the timeframe will not be met, the Complaints Administrator will keep the complainant updated.

*(The Chair of the Committee will provide the complainant and St Margaret's at Hasbury (VC) Primary School with a full explanation of their decision and the reason(s) for it, in writing (by letter or email), within **10** school days)*

Governor Support is available to support and assist throughout this process.

Appendix 10: Template Letters

Each complaint is different, the following are suggested formats for letters that schools may wish use as a guide and amend in light of the details of any particular complaint they may be dealing with under the procedure.

Stage 1 Template Letter

Date xxxxxx

Dear xxxxxxxxxx

Re: Stage 1 complaint

Following my acknowledge from your complaint dated xxxxxx, I am writing in response to your Stage 1 complaint about an incident on xxxxxx and to share the conclusions of the investigation into this.

Your complaint raised xx issues:

1. Insert summary the first issue from the complaint.

……

Insert response as a result of Stage 1, with the finding and reasoning.

……

This aspect of your complaint is upheld/not upheld/partially upheld. **delete as appropriate*

(If appropriate) The following actions have been taken:

Detail any actions you have adopted/put in place following this complaint. See full procedure for suggested actions.

(Repeat the above if required, depending on number of issues raised)

This concludes the Stage 1 investigation, if you are dissatisfied with the outcome you can escalate the complaint to Stage 2, this will be considered by a complaints committee of impartial governors. This will be the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the schools Complaints Administrator, including your reasons for believing this is necessary, via the school office, within 10 school days of receipt of this Stage 1 response.

Yours sincerely

Headteacher/Chair of Governors

Stage 2 Template Letter

Date xxxxxx

Dear xxxxxxxxxx

Re: Stage 2 complaint

I am writing in response to your Stage 2 complaint about an incident on xxxxxx and to share the conclusions of the investigation into this. The complaint was considered by a committee of independent governors who concluded their investigation on xxxxxx.

Your complaint raised xx issues:

1. Insert summary the first issue from the complaint.

……

Insert response as a result of Stage 2, with the committees finding and reasoning.

……

This aspect of your complaint is upheld/not upheld/partially upheld. **delete as appropriate*

(If appropriate) The following actions have been taken:

Detail any actions you have adopted/put in place following this complaint. See full procedure for suggested actions.

(Repeat the above if required, depending on number of issues raised)

This concludes the Stage 2 Complaints Procedure and is the final stage.

If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education.

If you are dissatisfied with the outcome of the Stage 2 Complaint, you can refer your complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
ManchesterM1 2WD.

Yours sincerely