



Complaints Procedure

Updated: November 2022
To be reviewed: November 2024

**EQUALITY SCHEME
EQUALITY IMPACT ASSESSMENT FOR
COMPLAINTS POLICY**

Staff / Committee involved in development:	L + M Committee; Headteacher	
For use by:	Staff, Governors and Parent/Carers	
This policy relates to statutory guidance:	Education Act 2002 Children Act 2004 Dealing With Allegations of Abuse Against Staff Keeping Children Safe in Education 2022	
Key related Farndon Policies:	Whistle Blowing On-line Safety Allegations of Abuse Against Staff Safeguarding Anti-Bullying and Behaviour	
Equality Impact Assessment: Does this document impact on any of the following groups? If YES, state positive or negative impact, and complete an Equality Impact Assessment Form or action plan, and attach.		
Groups:	Yes/ No	Positive/Negative impact
Disability	No	
Race	No	
Gender	No	
Age	No	
Sexual Orientation	No	
Religious and Belief	No	
Gender Reassignment	No	
Marriage & Civil Partnership	No	
Pregnancy & Maternity	No	
Other	No	
Reviewed by	Leadership and Management	
Agreed by	Full Governors	
Next Policy review date	November 2024	
A copy of this form, and any related impact assessment form or action plan must be sent to the school office		

1. INTRODUCTION

1.1 All maintained schools and academies are required to establish a complaints procedure and to publicise that procedure. It is anticipated that this will include clear signposting to the procedure in any appropriate school publications, which should indicate that a copy of the full procedure is available on the school website and on request from the school office. References to 'school' throughout this model procedure encompass both maintained schools and academies.

1.2 The intention of this procedure is to provide schools with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

1.3 This procedure takes into account current Department for Education guidance.

1.4 All references to working days refer to days on which the school is open to pupils and for staff training days.

1.5 Our aims:

We will endeavour to be fair, open and honest when dealing with any complaint and will always put the interests of our children above all else. We will give careful consideration to all complaints and we aim to resolve any complaint through dialogue and mutual understanding.

Our complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial and non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress;
- provide **information** to the school's senior management team and governors so that services can be improved.

2. SCOPE OF THE PROCEDURE

2.1 Before handling any issue raised, we initially try to determine whether this is a concern or a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

2.2 This procedure covers all complaints against the school by external persons/parties which do not have an alternative statutory avenue of appeal or complaint. Where complaints make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure, at any time or following recommendations at the conclusion of the complaints process.

2.3 Employees of the school (and ex employees who wish to raise an issue relating to their former employment) cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the school.

3. GENERAL PRINCIPLES

3.1 All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

3.2 Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. The timescales within this procedure should be adhered to as far as is reasonable practicable (**Appendix 5**). Where this is not possible the complainant should be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with the complaint.

3.3 Governing Bodies should ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least annually), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the school may need to address, including whether specific actions identified as outcomes of complaints have been addressed.

3.4 Advice on the operation of the procedure is available from the Governance and Liaison Service, who may also seek the advice and/or involvement of other Local Authority (LA) officers as appropriate, via the current agreement which the service has with schools. Such requests should be made via the Governance and Liaison Service.

3.5 The person nominated to have the responsibility to resolve any complaints is the Headteacher. In their absence, it is the Deputy Headteacher.

4. INVESTIGATING COMPLAINTS

4.1 At each stage, the person investigating the complaint makes sure that they:

- establish **what** has happened so far and who has been involved.
- clarify the nature of the complaint and what remains unresolved.
- meet with the complainant or contact them.
- clarify what the complainant feels would put things right.
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- conduct the interview with an open mind and be prepared to persist in the questioning.
- keep notes of the interview.

5. RESOLVING COMPLAINTS

5.1 At each stage in the procedure schools will want to consider the ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

5.2 At each stage complainants should be asked to state what actions they feel might resolve the issue. An admission that the school could have handled the situation better is not the same as an admission of negligence.

5.3 At this stage we aim to identify areas of agreement between the two parties. We also clarify any misunderstandings that may have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

5. SERIAL AND PERSISTANT COMPLAINTS

5.1 If properly followed, a good complaints procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all the stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

5.2 If the complainant writes again on the same issue, then the complainant may be regarded as serial or persistent. School may choose not to respond.

5.3 An 'unreasonable manner' may include situations where the complainant's frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Head Teacher and school to meet the needs of all pupils equitably.

5.4 The Head Teacher or Chair of Governors as appropriate should write to the complainant and explain this decision and the reasons for it, and what action will follow.

5.5 Guidance from the Government recommends that as a school we should cease correspondence if there are any incidences of the following.

- The school has taken every reasonable step to address the complainant's needs.
- The complainant has been given a clear statement of the school's position and their options.
- They are contacting the school repeatedly and making substantially the same points each time.
- The school has cause to believe that the individual is contacting them with the intention of causing disruption or inconvenience.
- Letters, phone calls or E-mails are often abusive or aggressive.
- They make insulting comments about staff.

School should not stop responding just because an individual has become difficult to deal with or asked complex questions.

It is important to note that if a complainant raises an entirely new complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant that should be marked as serial or persistent.

6. GENERAL COMPLAINT

Step 1: If a parent is concerned about anything to do with the education or support that we are providing at our school, they should, in the first instance, discuss the matter with their child's teacher; most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress. They naturally want to know if there is a problem so that they can take action before it seriously affects the child's progress.

Step 2: Where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of sufficiently serious nature, they should contact school office who will direct the call to the appropriate middle or senior leader so this can be discussed verbally; either via a telephone call or a face to face meeting. Senior leaders will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

Step 3: Only when an informal complaint fails to be resolved by a Senior Leader should a formal complaint be made to the governing body. This complaint must be made in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint to the Chair of Governors via the Headteacher.

7. STAGES OF THE PROCEDURE

TIME LIMITS

7.1. Complaints need to be considered and resolved as quickly and efficiently as possible. An effective procedure will have realistic time limits for each action within each stage. However, further investigations are necessary, new time limits can be set and the complainant sent details of any new deadlines and an explanation for any delay.

FIRST STAGE

7.2 Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the stages of this procedure.

SECOND STAGE

7.3 The Head Teacher, or other appropriate senior leader, should offer to meet / or talk with the complainant to discuss his/her concerns within 5 working days of receiving the complaint, or as soon as is reasonably practicable. Where necessary the Head Teacher, or other nominated member of staff, should carry out a full investigation into the issues raised. Leaders would look to implement things discussed and agreed upon and the complaint is considered resolved should no further action be required.

THIRD STAGE

7.4 If the complaint remains unresolved, then it enters the formal stage. Parents write to the Head Teacher who will give a written response to acknowledge the receipt of the complaint within 5 working days. Senior leaders will investigate the complainant as soon as possible. The Headteacher will implement any necessary changes and confirm the outcomes in writing to the parents within 10 working days after confirming receipt of the written complaint. Where the complainant is still dissatisfied with this response, the complaint should move to **the fourth** stage of the procedure.

Where the complaint is against the Head Teacher, the chair of governors, another governor or the Governing Body as a whole, the complaint will move straight to the second stage of the procedure.

FOURTH STAGE

7.5 If the complaint cannot satisfactorily be resolved at the first stage of the procedure, or where paragraph 7.4 applies, the complainant should put their complaint in writing to the Chair of Governors (or Vice Chair/ nominated governor where the complaint is against the Head Teacher/Chair of Governors), which may be by letter or email, via the school. The Chair/Vice Chair/nominated governor should offer to meet / discuss with the complainant to hear his/her concerns within ten working days of receiving the complaint, or as soon as is reasonably practicable after this.

7.6 The Chair/Vice Chair/nominated governor will review the investigation and Head Teacher's decision and may confirm this decision or reach a different decision. The governor may choose to reinvestigate the complaint in whole or in part. The governor may take advice initially from the Governance and Liaison Service and / or the clerk to Governors.

7.7 When the complaint has been fully investigated, the Chair/Vice Chair/nominated governor will write to the complainant confirming the outcome of the complaint and any further action to be taken within 20 working days. The Chair/Vice Chair/nominated governor may: decide to dismiss the complaint in whole or in part; uphold the complaint in whole or in part; decide on appropriate action to be taken to resolve the complaint; recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

7.8 The Chair/Vice Chair/nominated governor will communicate his/her response in writing to the complainant as soon as possible but, in any case, within 20 working days of the meeting referred to in paragraph 7.5. Where the complainant refuses the offer of such a meeting the governor will inform the complainant of the outcome of the investigation within twenty working days of receipt of the written complaint or as soon as is reasonably practicable afterwards.

7.9 Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

STAGE 5: APPEAL STAGE

- 7.10 If the complainant wishes to appeal against the decision made at the second formal stage s/he must indicate his/her intention to do so within ten working days of receipt of the outcome of the second formal stage.
- 7.11 The complainant should do this by sending a written appeal to the Chair of Governors, either by letter or email, or, where the complaint is against the Chair, to the nominated governor. This should state the original complaint and the reasons for on-going dissatisfaction. The Chair of Governors, or nominated governor, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been upheld in full at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.
- 7.12 A governors' panel should be convened, consisting of three governors who are not employees of the school and who have had no previous involvement in consideration of the complaint. Where the complainant is a parent, governors may wish to consider the possible advantages of this panel including a parent governor. A complaints appeal meeting will be held in accordance with the procedure documented in Appendices 2,3 and 4.
- 7.13 The meeting of the governors' panel should take place as soon as possible, but in any case a date should be set and communicated to the complainant within twenty working days of receipt of the appeal.

7.14 Check list for a panel hearing

The panel must take the following points into account:

- the hearing is as informal as possible;
- after introductions, the complainant is invited to explain their complaint (with the support of parent partnership or other advocate if required);
- the panel members and head teacher (or Chair of Governors) may ask questions;
- the head teacher (or Chair of Governors) is then invited to explain the school's actions (with support of DHT, SENCo or other supporter if required);
- the panel members or complainant may ask questions;;
- the complainant is then invited to sum up their complaint;
- the head teacher (or Chair of Governors) is then invited to sum up the school's actions and response to the complaint;
- the chair of the panel explains that both parties will hear from the panel within 3 working days;
- both parties leave the meeting while the panel decides on the issues.

When the panel has fully investigated the complaint, the chair of the panel, on behalf of the governing body, will write to the complainant confirming the outcome of the complaint and any agreed action to be taken. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on appropriate action to be taken to resolve the complaint;

- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

8. OPPORTUNITIES TO REQUEST A REVIEW

COMPLAINING TO THE SECRETARY OF STATE

8.1 If a complainant believes that the Governing Body has acted unreasonably s/he can complain in writing to the Secretary of State for Education. Complaints to the Secretary of State regarding maintained schools are handled by the Department for Education.

COMPLAINING TO OFSTED

8.2 Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect a school.

8.3 Before complaining to an external body it would usually be expected that all stages of this procedure had been exhausted.

9. THE ROLE OF THE PARENT PARTNERSHIP SERVICE

9.1 The Parent Partnership Service helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from pre-school age to school leavers. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools or the Local Authority.

9.2 The service can help parents consider what their complaint is about and the options available to them to resolve it, including more informal measures that can be explored in the first instance. If a parent wishes, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with the parent to offer support but doesn't speak on behalf of or make decisions for the parent. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if the parent feels a satisfactory outcome was achieved. If not the parent may have further options to consider.

9.3 Contact details for the service are:

<https://www.cheshirewestandchester.gov.uk/residents/education-and-learning/early-years-and-childcare/information-advice-and-support/information-advice-and-support-service.aspx>

Addendum for COVID-19

Handling Complaints During the Covid-19 Outbreak

In light of the Department for Education updating the guidance for school complaint policies, please note that we will endeavour to respond to your complaint in accordance with our usual complaints policy and procedure. If your complaint relates to remote education provision, please clearly mark it as such.

Due to the Covid-19 pandemic, it may not always be possible to adhere to our usual processes and timescales. If we have to deviate from our published policy please be assured you will be kept fully informed as to the reason why and, the timescale within which you can expect a response to your complaint.

Our policy states we may invite you into the school to meet and discuss the complaint you have raised, please be aware that this meeting will have to take account of the relevant restrictions and social distancing guidance that is in place at that time. It may therefore be that the matter is discussed by exchange of correspondence, over the telephone or via video call as an alternative. This would be done in full consultation with you.

The full policy can be accessed at:

<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#timeliness>

Therefore, you may wish to update your own policy documents to include something like the statement below at the beginning of the policy:

Confirmation the *Complaints Procedure* in respect of Farndon Primary School has been discussed and adopted by the Governing Body

Signed by:

Chair of Governors: L Lancelotte

Date November 2022

Head Teacher: A Walker

Date: November 2022

Agreed at the Meeting of the Governing Body Leadership and Management

To be reviewed: November 2022

Appendix 1 Complaints Form

Please complete and return to (Headteacher / or Chair of Governors is the complaint is regarding the Headteacher) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name:
Your relationship to the pupil:
Address: Postcode: Day time telephone number: Evening telephone number:
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

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 2

Complaints Appeal Panel:

The panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private (and possibly at a neutral venue), will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. All parties (with the exception of any witnesses, as appropriate) should be present in the meeting simultaneously so that all views can be heard/challenged as appropriate.

d. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

e. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

f. The governors sitting on the panel need to be aware of the complaints procedure and the need to respect confidentiality

Appendix 3

Complaints Appeal Panel: Roles and Responsibilities

The Role of the Clerk

The Complaint Appeal Panel meeting will be clerked by the Complaint Co-ordinator. The Complaint Co-ordinator will attend the meeting to take the minutes and ensure that the minutes are distributed to panel members within 3 working days of the meeting.

The clerk is the contact point for the complainant and is required to:

- set the date, time and venue of the Complaint Appeal Meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the meeting
- meet and welcome the parties as they arrive at the meeting
- record the proceedings
- distribute the minutes to the Complaints Appeal Panel members within 3 working days of the meeting
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The Chair of Governor or nominated governor will:

- check that the correct procedure has been followed
- if a Complaint Appeal Panel meeting is appropriate, notify the clerk to convene the panel and make the necessary arrangements.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- the governors can decide to adjourn the hearing pending further investigation at any stage if this seems necessary
- written material is seen by all parties and if a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

- governors reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint
- the full Governing Body receives a report regarding the nature and outcome of the complaint at the next full Governing Body meeting following the Complaint Appeal Panel meeting.

The Checklist for a Complaint Appeal Meeting (Appendix 4) gives guidance on the management of this meeting. Notification of the Panel's Decision The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within five working days of the meeting. This letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Appendix 4

Checklist for a Complaint Appeal Meeting

The Complaint Appeal Panel may conduct the meeting as follows:

The hearing is as informal as possible.

Chair to ensure that all parties introduce themselves and emphasise that the members of the Complaint Appeals Panel have had no prior information about the complaint other than the papers sent out in advance of the meeting.

Chair to emphasise that the confidentiality of all parties will be respected and adhered to, including:

- Complainant
- Panel members
- Witnesses

The meeting should not be tape recorded

Witnesses are only required to attend for the part of the hearing in which they give their evidence

After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses The headteacher may question both the complainant and the witnesses after each has spoken The headteacher is then invited to explain the school's actions and be followed by the school's witnesses

The complainant may question both the headteacher and the witnesses after each has spoken

The panel may ask questions at any point

The complainant is then invited to sum up their complaint

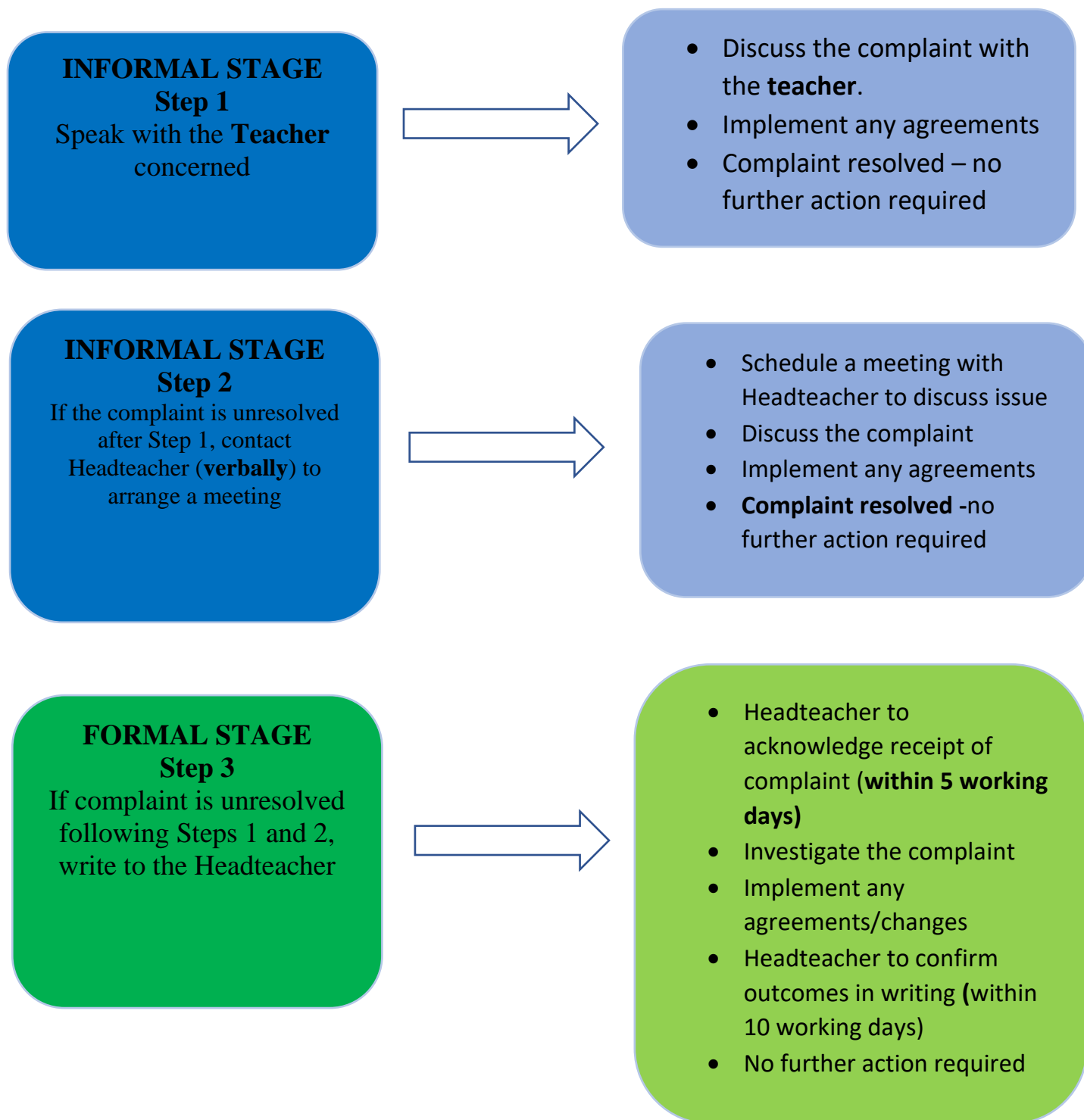
The headteacher is then invited to sum up the school's actions and response to the complaint

The chair explains that both parties will hear from the panel within five working days. Both parties leave together while the panel decides on the issues.

Note: the above steps are a guide only – it may be more appropriate to explore the complaint chronologically, allowing all parties to discuss each key aspect of the complaint before moving on to the next.

PARENTAL COMPLAINTS PROCEDURE FLOW CHART

(With timescales for responses)



FORMAL STAGE

Step 4

If complaint remains unresolved following Steps 1-3, write to the Chair of Governors



- Chair of Governors to acknowledge receipt of letter (**within 10 working days**)
- Investigate the complaint/meet with complainant
- Confirm outcomes in writing (**within 20 working days**)
- No further action required

APPEALS PROCESS

Stage 5

Written request to **Chair of Governors** to have case heard by **Appeals Sub-Committee of Board of Governors**.



- **Chair of Governors** to acknowledge receipt of letter (**within 10 working days**)
- Meet with complainant (**within 20 working days**)
- Consider the complaint
- Implement any agreements/changes
- Confirm outcome in writing (**by 40th working day**)

