

Policy: Complaints Policy and Procedure
SACC approval: ~~September~~ July 2023
Ratified FGB: ~~September~~ July 2023
Review: July 2024

Holy Trinity Church of England (VA) Primary School



Believe • Achieve • Inspire •

Complaints Policy and Procedure

SCHOOL AIMS

At Holy Trinity Church of England Primary School our aim is to be an inspirational place of learning where:

- we facilitate opportunities so every child can flourish in a place where they feel safe, **happy and confident**.
- staff **well-being** and professional development is valued and supported in order to fulfil their roles, inspire others and experience personal **fulfilment**.
- the school provides facilities that enables an **optimum learning environment**.
- the **school plays a central role within our community** and enjoys strong **links with the church, local companies and other schools**.
- we create a culture of vigilance to safeguard all children

'I know that there is nothing better for people than to be happy and to do good while they live.'
Ecclesiastes 3:12

Introduction

The Governing Board of Holy Trinity CE Primary School recognises the statutory requirement under Section 29 of the Education Act 2002 to have in place and implement when necessary a policy and procedure to deal with complaints relating to the School and to any community facilities or services that the School provides. The requirement to publicise this policy and procedure is met by occasional reference to it in the regular newsletters and in other appropriate ways including being published on the School website and available from the School office.

This document sets out the School's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful.

There are some complaints that fall outside of the School complaints procedure and are the subject of separate statutory procedures (see page 6). Copies of these policies can be obtained from the School.

All complaints will be considered and time frames will be agreed to reflect individual cases.

This policy sets out to ensure the complaints procedure:

- is easily accessible and publicised
- is simple to understand and use
- is impartial
- is non-adversarial
- enables a full and fair investigation by an independent person where necessary
- respects people's desire for confidentiality
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- provides information to the School leadership team so that the services can be improved

What is the difference between a Concern and a Complaint?

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action' [DfE Best Practice Advice for Schools Complaints 2021](#).

Who can make a Complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the School provides, unless separate statutory procedures apply. The School does not limit complaints to parents or carers of children that are registered at the School.

There are occasions when complainants would like to raise their concerns formally. In those cases, the School's formal procedure will be invoked through the stages outlined below.

Timeliness

The School believes that complaints need to be considered and resolved as quickly and efficiently as possible. 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 only if exceptional circumstances apply.

Complaints received 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.

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Ecclesiastes 3:12

The Procedure

A complaint can be made in person, by telephone, or in writing. The School will keep brief notes of who made the complaint, the complaint, the date, and agreed next steps. The complaints procedure will be followed and is divided into the following stages.

Stage 1 – Informal:

Any concerns about the School or the education provided should be discussed with the child's class teacher or phase lead teacher at the earliest opportunity.

- The School considers any concerns very seriously and most problems can be resolved at this stage, including asking the complainant at an early stage what they think might resolve the issue.
- The class teacher will keep a record of all concerns and the date on which they were received.
- Should the matter not be resolved within 10 working days or in the event that the class teacher and the parent fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their concern in accordance with Stage 2 procedures.

Stage 2 – Headteacher's investigation:

The complainant should speak to or write to the Headteacher, who will look into their concern.

- The Headteacher will decide, after considering the complaint, the appropriate course of action. If the complaint is about the Headteacher, the complaint will be passed directly to the Chair of the Governing Board via the School office (Appendix B). If the complaint is about the Chair of Governors or any individual Governor, the complaint will be passed in writing directly to the Clerk of the Governing Board, who will follow procedures in accordance with governance guidelines.
- In most cases, the Headteacher will contact the complainant within 10 school working days of receiving the complaint, to discuss the matter. If possible a resolution will be reached at this stage.
- It may be necessary for the Headteacher to carry out further investigations, in which case a definitive answer will be given within 10 further school working days.
- The Headteacher will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Headteacher is satisfied that, as far as practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing. The Headteacher will give reasons for the decision.
- If the complainant is still not satisfied with the decision, they should write to the Clerk of the Governing Board within 10 school working days. The letter should be marked '*private and confidential*' and handed in to the School.
- Stage 3 will commence.

Stage 3 – Chair of Governor's investigation:

The complainant should speak to or write to the Clerk of Governors and pass to the Chair/Vice Chair of Governors, who will look into their concern or arrange for another governor to do so.

- The Chair/Vice Chair of Governors will decide, after considering the complaint, the appropriate course of action. If the complaint is about the Chair of Governors, the complaint will be passed to the Clerk of the Governing Board via the School office (Appendix B).
- In most cases, the Chair/Vice Chair of Governors will respond to the complainant within 10 school working days of receiving the complaint. If further investigation is needed, a response will be given within 10 further school working days.

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Ecclesiastes 3:12

- The Chair/Vice Chair of Governors will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Chair/Vice Chair of Governors is satisfied that, as far as practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing. The Chair/Vice Chair of Governors will give reasons for the decision.
- If the complainant is still not satisfied with the decision, they should write to the Clerk of the Governing Board within 10 school working days. The letter should be marked '*Private and Confidential*' and handed in to the School.
- Stage 4 will commence.

Stage 4 –Governors' Appeal Panel:

The Chair of Governors will convene a panel of Governors to review the complaint. This panel will be clerked and will consist of three Governors who have no prior knowledge of the complaint. It will consider written and verbal submissions including from the complainant and the Headteacher.

- The panel will then acknowledge the complaint and schedule a hearing to take place as soon as practicable within 10 school working days.
- If the panel deems it necessary, it may require that further particulars of the complaint and any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 5 working days prior to the hearing.
- The complainant may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- If possible, the panel will resolve the complaint immediately without the need for further investigation.
- Where further investigation is required, the panel will decide how it should be carried out. After due consideration of all the facts they consider relevant, the panel will reach a decision and may make recommendations, which it shall complete within 5 school working days of the hearing.
- The panel will write to the complainant informing them of the final decision and the reason for it.
- The panel's findings and, if any, recommendations will be sent in writing to the complainant, the Headteacher, the Chair of Governors and, where relevant, the person complained of.

Final Stage –

The final stage of appeal is to the Secretary of State for Education. Complainants should write to:

*The School Complaints Unit (SCU)
Department of Education
Piccadilly Gate
Manchester M1 2WD*

A complainant may also access the online form: www.gov.uk/complain-about-school

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout the process, the school will be willing:

- to listen
- to learn

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Ecclesiastes 3:12

Holy Trinity CE Primary School

Complaints Policy and Procedure

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- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change school practice and procedure if appropriate
- to maintain professional relationships

In using this procedure:

- Staff are asked to be aware that complainants may feel intimidated by the School as an institution and unsure whether they will be treated fairly.
- Complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process.
- Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the School community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably.
- Every complaint will be investigated with due urgency and thoroughness.
- Whenever a complaint is upheld, every effort will be made to rectify the issue and, if necessary, action will be taken to prevent a recurrence of the problem.
- The School Complaints Procedure and Policy is available on the [school's website](#) and on request from the school office.
- The Headteacher will review the handling of complaints from time to time in order that services can be improved, believing that the process of listening to and resolving complaints contributes to School improvement.
- When individual complaints are heard there is an opportunity to identify possible issues that need addressing.
- The Headteacher will report to staff and to the Governing Board on the number and type of complaints received and their outcomes whilst maintaining confidentiality.

Confidentiality

- Complainants can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the School by section 162A of the Education Act 2002; where disclosure is required in the course of the School's inspection; or where any other legal obligation prevails.
- The School will not investigate anonymous complaints or allegations, but confidentiality will be respected.

Recording Complaints

Written records will be kept of all formal complaints, and of whether they were resolved at a preliminary stage or preceded to a panel hearing. A copy will be kept on the School premises available for inspection. Individual complaints may be revealed to the secretary of State as well as inspectors operating under section 162A of the Education Act 2002.

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

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- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

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 information
- liaising with the complainant and those involved to clarify what the complainant feels would put things right.

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.

Complaints Co-ordinator (*this could be the Headteacher / designated complaints governor or other staff member providing administrative support*)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- 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
- keep records.

Clerk to the Governing Board

The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint 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

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- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision within 10 working days.

Panel Chair

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

- both parties are asked (via the Clerk) 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 panel 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.
If a new 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
- both the complainant and the school are 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
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be 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.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- 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 panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

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However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Record Keeping

In order to turn complaints to positive effect, it is important that detailed records are kept so that at regular intervals both the senior managers of the School and the Governing Board can reflect on issues that have arisen and on the way in which they have been handled. The Headteacher will compile a report for the Governing Board. Such a report could be a valuable self-evaluation tool.

This policy does not cover complaints regarding:

Exceptions	Who to contact
• Admissions to the School • Statutory assessments of Special Educational Needs and Disabilities (SEN+D) • School re-organisation proposals • Matters likely to require a Child Protection Investigation	Concerns should be raised direct with the Local Authority. Complaints about School admissions should be addressed to the Chair of Governors. Complaints about admissions appeals should be addressed to the Local Government Ombudsman
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions
• Whistleblowing	Follow the School's whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
• Staff grievances and disciplinary procedures	These matters will invoke the School's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
• Complaints about services provided by other providers who may use School premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

All other complaints are handled by the School according to the arrangements set out in this document.

Serial or Persistent Complaints

The School will help and support those who contact them with a complaint or concern or request information. Sometimes, however, the School may be repeatedly contacted with regard to the same information and points, asking for the School to reconsider the position or decisions made. If the complainant tries to repeatedly re-open the same issue once the procedure has been complete, this will be considered serial or persistent and appropriate action will be taken. The application of a serial or persistent marking will be against the subject or complaint itself rather than the complainant.

- The Chair of Governors can inform the complainant that the case has been closed.

The School recognises that all complainants have the democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached.

Discontinue Responding

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The School believes the decision to stop responding should never be taken lightly. The School needs to be able to say yes to all 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 (if any); and
- The complainant is contacting the school repeatedly but making substantially the same points each time.

The case to discontinue responding is stronger if the School agrees with one or more of these statements:

- The School has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience – have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

The School will continue to respond professionally and will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances, the School will refuse to respond to the subject matter. It is the subject matter that the School can refuse to respond to, not the complainant.

The School will provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005 (S.I. 1437) and subsequent amendments in the School Information (England) Regulations 2008 (S.I. 1471).

However, where an individual's behaviour is causing a significant level of disruption the School may implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

The school recognises that complainants have a right to have any new complaint heard, and obstruction by a school could result in the complaint being referred to the Department for Education.

If School staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the School, but to communicate instead with the LA, who will co-ordinate any response.

Complainants who may have been restricted in their communications with the School can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the School considers it to constitute harassment, legal advice will be sought as to the next steps.

Once the School has decided that it is right to stop responding, they will need to let the complainant know; ideally through a hard copy letter, but an email will suffice.

Unreasonable Complainants

The School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the School, hinder the School's consideration of their or other people's complaints'. The school does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, "unreasonable complaints" include:

A complainant may be regarded as unreasonable who: Vexatious complaints, which:

- Are obsessive, persistent, harassing, prolific or repetitious.
- Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insist upon unmeritorious complaints in an unreasonable manner.
- Are designed to cause disruption or annoyance
- Demand for redress which lacks any serious purpose or value.

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- **Serial or persistent complaints which;**

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of this complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately or 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 makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the School's complaints 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- publishes unacceptable information on social media or other public forums.

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A complainant may also be considered unreasonable if they make their complaint whether face-to-face, by telephone, in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information.

Complainants should limit the number of communications with the School while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the School causing a significant level of disruption, the School may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the School.

Banning-Barring? from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The School will therefore act to ensure it remains a safe place for pupils, staff and other members of its community.

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If an individual's behaviour is a cause for concern, the School can ask him/her to leave school premises. In serious cases, the Headteacher or the Local Authority can notify them in writing that their implied licence to be on School premises has been temporarily revoked subject to an appeal hearing. If this decision is taken, the School will put it in writing and explain how the decision can be appealed. The School will give the individual the opportunity to formally express their views on the decision to ban in writing.

The decision will then be reviewed and either confirmed or lifted. If the decision is confirmed the individual will be notified in writing, explaining how long the ban will be in place.

Anyone wishing to complain about being ~~barred~~^{redanned} can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about ~~bar~~^{gr}aining cannot be escalated to the Department for Education. Once the School procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

This policy was adopted by Holy Trinity CE Primary School and agreed by the Standards, Achievements and Curriculum Committee and ratified by the Full Governing Board.

Approved by.....on behalf of the School Governing Board.

Signature:.....

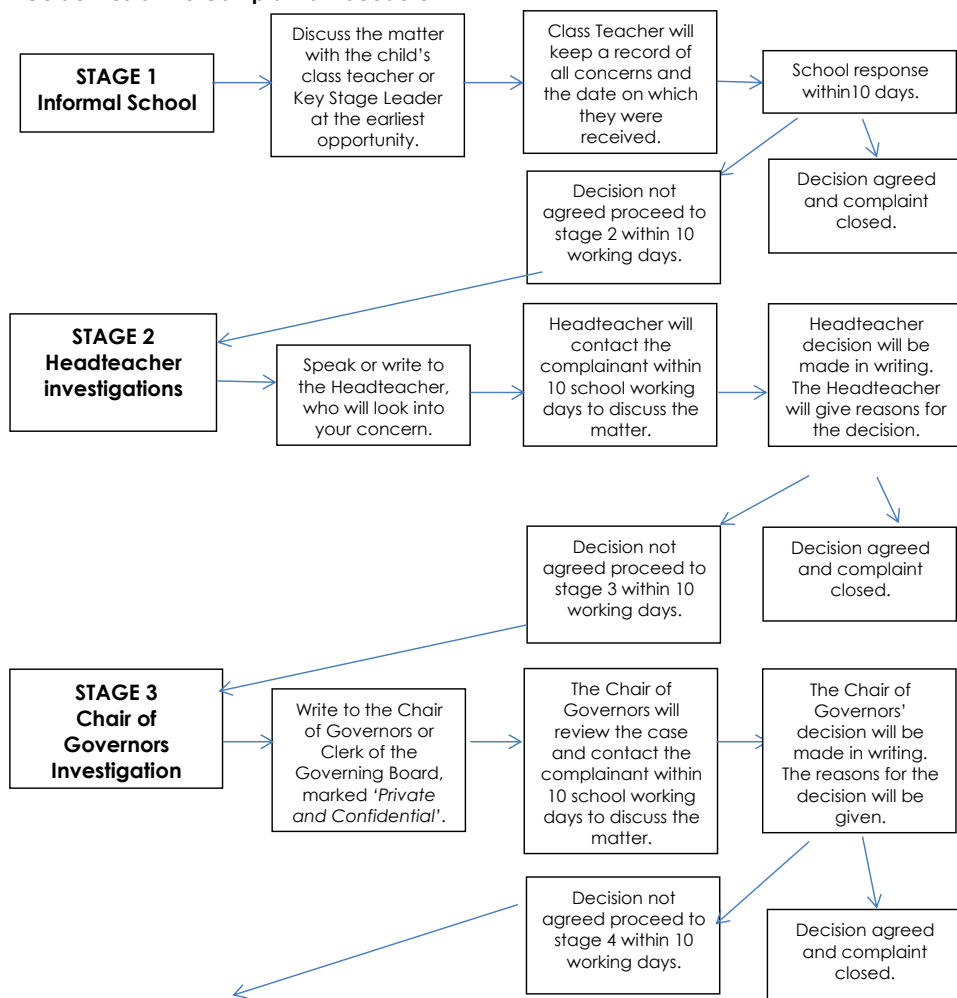
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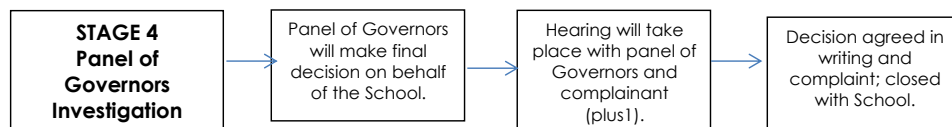
Appendix A

Guidelines of the Complaints Procedure



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Final Stage - The final stage of appeal is to the Secretary of State for Education. Complainants should write to:

The School Complaints Unit (SCU)
Department of Education
Piccadilly Gate
Manchester M1 2WD

A complainant may also access the online form: www.gov.uk/complain-about-school

SCHOOL COMPLAINT FORM

Please complete and return to the Headteacher, who will acknowledge receipt of this form and explain what action will be taken. If, however, the complaint is about the Headteacher then please return the form to the School Admin Officer in a sealed envelope marked 'Personal for the Chair of Governors', who will acknowledge receipt and explain what action will be taken.

Your name:	Address:
Pupil's name:	Pupil's Year Group:
Your relation to the pupil:	Telephone day:
	Telephone evening:
Email address for contact:	

If there is insufficient space in any of these boxes please use space overleaf and additional pages.

Please give details of your complaint:

What, if any, action have you already taken to try to resolve your complaint?

Who did you speak to and what was the response?

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What do you feel might resolve the problem at this stage?
Have you enclosed any sheets or documents? Yes / No

Signature.....Date.....

Official Governance use Date complaint received: By.....
--

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