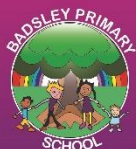


# Badsley Primary School



## Complaints Policy and Procedure

<b>Policy Date</b>	January 2024	<b>Review Date</b>	January 2025
<b>GB Responsible</b>	Full GB	<b>Written by</b>	Mr. M Windle (in consultation with Chair of Govs)
<b>Approved</b>	Spring term meeting	<b>Website</b>	Yes



Growing Together; Aiming High

The following are key principles to which this policy has been written based on documents from both the National Governance Association (NGA) and the Department for Education (DfE).

### **Principle 1: The procedure should encourage informal resolution of complaints**

As a school we endeavour to resolve complaints in an informal manner before they reach the formal process, where possible. For the purpose of this policy, we have used the DfE definitions for concerns and complaints:

- A concern is *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- A complaint is *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

Concerns and complaints are more likely to be resolved informally when all parties commit to working together towards a resolution in the spirit of co-operation and reasonable compromise. On the school side, this means staff to whom concerns or complaints are brought in the first instance being objective, as well as open to understanding the complainant's perspective and what a satisfactory outcome would look like to them.

### **Principle 2: Make the procedure easily available**

It is a statutory requirement that schools publicise their complaints procedures. The policy is published on the school website and paper copies can be obtained from the school office.

### **Principle 3: The formal procedure should have two distinct stages**

In the first instance, complaints should be made to the headteacher, who will provide a formal response. There should not, therefore, be a significant volume of complaints being dealt with by the governing board. However, if the complainant remains dissatisfied, a governing board panel will be required to review the complaint. Resolution should be sought at both stages.

### **Principle 4: As few people as possible should be involved**

As few people as possible should be involved in complaints at each stage, partly for confidentiality purposes, but also to ensure that individuals who could be called upon to review the situation do not become tainted. By this, we mean that governors called upon to review complaints should have minimal prior knowledge about the situation in order to ensure that they have not formed any biases that prevent them from being impartial.

Where a complaint has been made about a member of the governing board or the entire governing board the clerk should seek advice (e.g. from their local authority) about how the procedure should apply and proceed given the nature of the complaint. This may involve sourcing an independent investigator and/or panel to hear the complaint.

**Principle 5: Records should be kept at each stage of the process**

It is important that those responsible for reviewing the complaint at each stage keep records of what the complaint was, any evidence that was considered, and the outcome.

Any personal information recorded in regard to the complaint must be kept in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (see the ICO [website](#)).

**Principle 6: Review the procedure regularly**

The governing board should be confident that its complaints procedure is thorough, clear and robust. As a matter of good practice the board should therefore review its procedure every two or three years to ensure it is still fit for purpose. The procedure may need to be amended before the review date if there are any changes to the law, or if it becomes apparent as a result of a complaint that the procedure is not working effectively. The amendment of the procedure should usually be carried out by a staff member, and submitted to the governing board for approval.

## Introduction

Badsley Primary School endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board of Badsley Primary School has approved the following procedure which explains what you should do if you wish to make a complaint about the school. All members of staff will be familiar with the procedure and will be able to assist you.

## Complaints that fall outside of this procedure

Complaints relating to the following issues are covered by a separate/specific policy.

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns and complaints about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Rotherham Metropolitan Borough Council (RMBC).
Matters likely to require a Child Protection Investigation.	If you have serious concerns, you may wish to contact the local authority designated office (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). 01709 336080
Exclusion of children from school*	Further information about raising concerns about exclusions can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> *complaints about the application of the behaviour policy can be made through the school's complaint procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain to the LA or the DfE (see link), 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 to other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum – content	Please contact the Department for Education at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Subject Access Requests	Complaints regarding Subject Access Requests should be made via the Freedom of Information policy following the procedures stated.

Any policies referred to above are available on the school website or on request from the school.

### **Resolving concerns informally**

For the purpose of this procedure concerns are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought. The majority of concerns can be dealt with without resorting to the formal stages of the complaints procedure (see below). The governing board of Badsley Primary School encourages those that have concerns to raise them with the appropriate person at the school (e.g. your child's class teacher) and to work constructively with that person towards resolving them. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful, and in cases where individuals wish to raise their concern formally.

### **Complaints about the headteacher or the governors**

In general, formal complaints should be directed to the headteacher. However, where a complaint is about the headteacher, the complainant should notify the clerk to the governors (email [school@badsleyprimary.org](mailto:school@badsleyprimary.org) with the email subject FAO: B O'Malley). The stage one process (see the formal stages below) will then commence, but with the chair of the governing board/suitably experienced governor as the individual responsible for the investigation, rather than the headteacher.

Where a complaint concerns a governor the complainant should contact the clerk to the governing board. The clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

### **Timescale for making a complaint**

Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted *three months* after the issue that led to the complaint occurred will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the headteacher/chair of the governing board/clerk to the governing board (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

### **Maintaining records**

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the school as a result of the complaint regardless of whether it has been upheld.

### **Maintaining confidentiality**

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved. The governing board of Badsley Primary School requests that complaints are not discussed publicly, including via social media.

Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

### **Safeguarding**

Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the Local Authority. Any action taken will be in accordance with the school's safeguarding policy.

## The formal stages of the complaints procedure

**The majority of concerns can be dealt with without resorting to the formal stages of the procedure.** If you need to raise a concern then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

There are **two** formal stages of the complaints procedure.

### Stage 1 – formal investigation by headteacher/chair of the governing board/suitably experienced governor

1. A request for a formal investigation of a complaint by the headteacher (or chair of the governing board as appropriate) should be made in writing C/O the school, or by completing the formal complaints form that is included as Appendix 1 of this procedure.
2. The headteacher (or chair of the governing board as appropriate) will acknowledge the request in writing no later than 10 working days (excluding school holidays) of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The headteacher/chair of the governing board/suitably experienced governor will consider all relevant evidence. This **may** include, but is not limited to:
  - obtaining statements from the complainant and those involved with the complaint
  - meeting with the complainant and those involved in the complaint
  - reviewing correspondence and other documents relating to the complaint
5. After considering the available evidence, the headteacher/chair of the governing board/suitably experienced governor can decide to:
  - uphold the complaint and direct that certain action be taken to resolve it
  - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
  - dismiss the complaint entirely
6. The headteacher/chair of the governing board/suitably experienced governor will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). The

written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the clerk to the governing board see page 7.

Please note that 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.

Requests for a review of the decision taken at stage 1 should be made in writing to the clerk via [school@badsleyprimary.org](mailto:school@badsleyprimary.org) no later than 4 weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

### **Stage 2 – Review by a panel of the governing board**

The complainant is entitled to request a review of the decision taken at stage 1 and the actions taken. The review is carried out by a panel of the governing board at a meeting convened by the clerk to the governing board.

The clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this 5 working days in advance of the meeting. Minutes of the review meeting will be taken by the clerk and provided with the written notification of the decision taken at stage 2 (see 9 below).

The following steps are taken at stage 2:

1. The clerk will acknowledge the written request for the complaint to be reviewed no later than ten working days (not including the school holidays) after receiving it.
2. The clerk will convene a panel of *three school governors* to review the complaint. All three panel members will have no prior knowledge of the content of the complaint.
3. The review meeting will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the written acknowledgement from the clerk (see 1 above). If the complainant rejects the offer of 2 proposed dates, without good reason, the clerk will set a date and the hearing will go ahead with written submissions from both parties.
4. The panel **may** decide to invite the following to attend the review meeting:
  - the complainant
  - the headteacher (or chair of the governing board as appropriate) who investigated the complaint and made the decision at stage 1



- relevant persons involved the complaint
  - persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2
5. Where the complainant, headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the review meeting. The identity of the person should be disclosed to the Clerk to the governors in advance of the review meeting.
  6. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
  7. Where the complaint is about a governor/ governing board, the complainant may request that the review meeting is held by an independent panel. This is at the discretion of *the governing board* who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
  8. After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:
    - uphold the complaint and direct that certain action be taken to resolve it;
    - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
    - dismiss the complaint entirely.

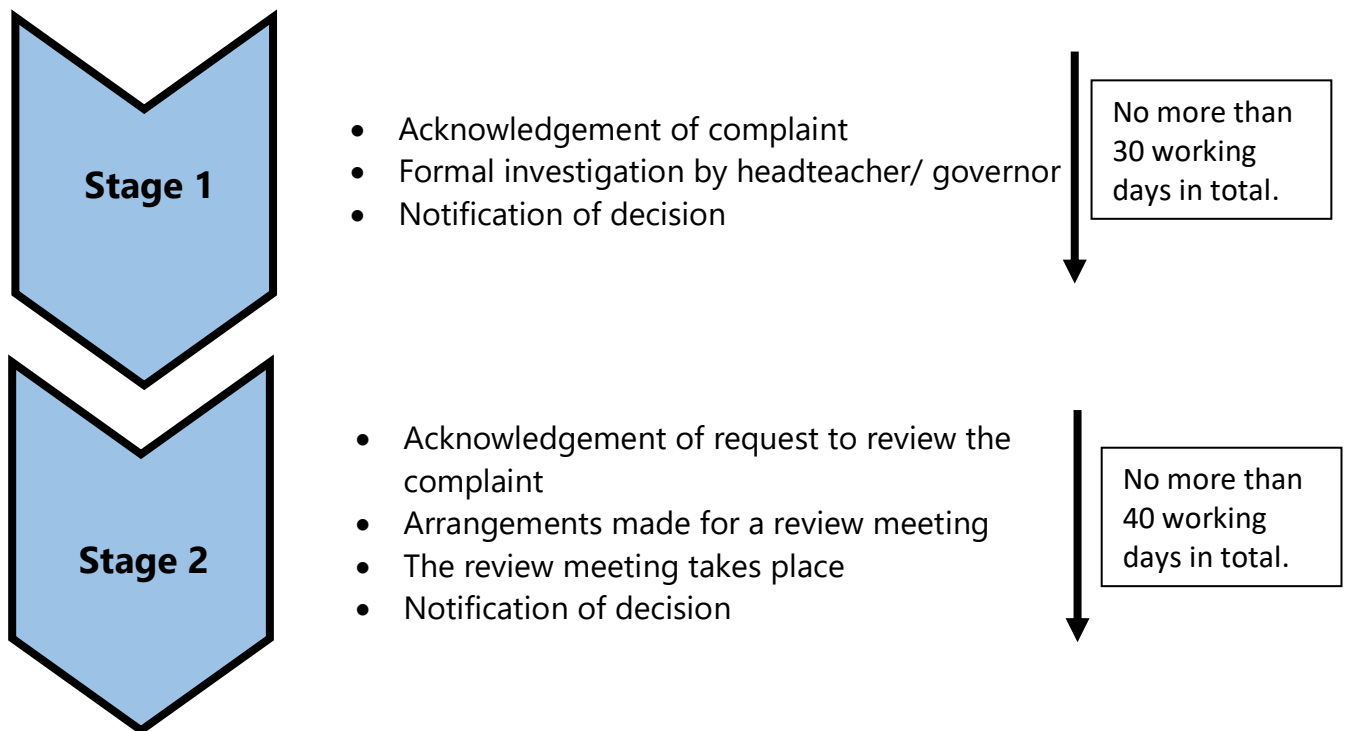
Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

9. The complainant, the headteacher (or chair of the governing board as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place.

This is the **final stage** at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further, they should refer to the following:

- *If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact the Department for Education*
- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that 'unreasonable' is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

### Timescale for completing the formal stages of the procedure



Badsley Primary school views the formal stages of the complaints procedure as a continuous process, in line with the above timescales. Any extensions to these timescales will only be considered in exceptional circumstances. However, if it becomes clear that for any reason Badsley Primary school is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

Please note – complaints can be withdrawn at any stage, but this must be done in writing to the Headteacher or Clerk to the governors.

### **Serial, persistent and unreasonable complaints**

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that Badsley Primary school will provide no further response.

For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the headteacher/chair of the governing board/clerk to the governing board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that Badsley Primary school will provide no further response.

Queries regarding any aspect of the complaints procedure should be directed to the clerk to the governing board at the following address:

[school@badsleyprimary.org](mailto:school@badsleyprimary.org)

**Appendix A**

**Badsley Primary School - Formal Complaints Form**

Name of complainant	
Name of pupil attending Badsley Primary and your relationship to them (where applicable)	
Contact address	
Contact telephone	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered.	
The reason that this was not a satisfactory resolution for you.	
What action would you like to be taken to resolve this issue?	

Signed:	Dated:
<b>OFFICIAL OFFICE USE:</b>	
School stamp	
Date received:	

## **Appendix B**

### **Roles and responsibilities**

#### **The complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

#### **The investigator**

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report of the investigation which includes the facts and potential solutions.

#### **Clerk to the governing board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

#### **Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

