



## Complaints Procedure and Policy

Manager: J Doyle (head teacher)

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### Overview

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### Overview

This policy and procedure follows the guidance in the DfE complaints Procedure toolkit. It complies with article 29a of the Education Act 2003 and is further supported by our vision statement and the UNCRC articles, specifically article 3, 13, 28 and 29.

### 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 defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that 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. Shawclough Community 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 Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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, Shawclough Primary will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### Framework of Principles

We believe that an effective 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;
- ☑ be 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 people's desire for **confidentiality**;
- ☑ address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- ☑ provide **information** to the school's senior management team so that services can be improved.

### Investigating Complaints

At each stage, the person investigating the complaint (the complaints co-ordinator), 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 (if unsure or further information is necessary);
- ☑ 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.

## Resolving Complaints

At each stage in the procedure Shawclough Primary School will want to keep in mind ways in which a complaint can be resolved. It might 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.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## Unreasonable Complaints

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

## Time-Limits

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 only consider complaints made outside of this time frame if exceptional circumstances apply. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision. We will endeavour to abide by timeframes stated under each stage but acknowledge that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint.

**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.

## Managing and Recording Complaints

### Recording Complaints

It would be useful for schools to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The complaints co-ordinator could be responsible for the records and hold them centrally.

## Social Media

In order for complaints to be resolved as quickly and fairly as possible, we request that complainants do not discuss complaints publically via social media such as Facebook and Twitter. All concerns raised will be

taken seriously. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

### **Governing Body Review**

The GB can monitor the level and nature of complaints and review the outcomes on a regular basis to UNCRC article 5; Governments must respect the rights and responsibilities of parents and carers to direct and guide their children as they grow up, so that they can enjoy the rights properly ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.

As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

### **Publicising the Procedure**

There is a legal requirement for the Complaints Procedures to be publicised. Our procedure is published on our website.

### **The stages of the complaint**

**Stage 1** (informal): complaint heard by staff member. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint. It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the head teacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

**Stage 2** (formal): complaint heard by headteacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

**Stage 3** (formal): complaint heard by Chair of Governors If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further

**Stage 4** (formal): complaint heard by Governing Bodies Complaints

### **Appeal Panel**

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel. The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to

rubber-stamp previous decisions. Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. The governing body may nominate a number of members with UNCRC article 5; Governments must respect the rights and responsibilities of parents and carers to direct and guide their children as they grow up, so that they can enjoy the rights properly delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

### **The remit of The 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, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that 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. 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.

d. 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.

e. The governors sitting on the panel need to be aware of the complaints procedure. UNCRC article 5; Governments must respect the rights and responsibilities of parents and carers to direct and guide their children as they grow up, so that they can enjoy the rights properly

## **Roles and responsibilities**

### **The role of the clerk**

The department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, 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 hearing (recommended at least five school days in advance);<sup>17</sup>
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

### **The role of the Chair of the Governing Body or the nominated governor**

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

### **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;<sup>18</sup>
- each side is given the opportunity to state their case and ask questions; UNCRC article 5; Governments must respect the rights and responsibilities of parents and carers to direct and guide their children as they grow up, so that they can enjoy the rights properly written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the panel's decision**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. This may be the LA or Diocesan Board.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

### Checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- 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. UNCRC article 5; Governments must respect the rights and responsibilities of parents and carers to direct and guide their children as they grow up, so that they can enjoy the rights properly
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale

### Annex C – Summary for Dealing with Complaints

Stage 1 – Complaint heard by staff member

☐ Ensure complaints co-ordinator informed of outcome.

If not resolved, then escalate to Stage 2 – Complaint heard by headteacher

☐ Acknowledge receipt of complaint

☐ Write to complainant with outcome of investigation

☐ Ensure complaints co-ordinator informed of outcome

☐ Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Complaint heard by Chair of Governors

☐ Acknowledge receipt of complaint

☐ Write to complainant with outcome of investigation

☐ Ensure complaints co-ordinator informed of outcome

☐ Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – Governor's complaints panel meeting arranged

☐ Issue letter inviting complainant to meeting

☐ Issue letter confirming panel decision

☐ Ensure complaints co-ordinator informed of outcome

## Scope of this Complaints Procedure

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions Email: Debra.Kay@rochdale.gov.uk Phone number: 01706 925130
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs Email: Michael.kemp@rochdale.gov.uk Phone number: 01706 925123
School re-organisation proposals	Concerns about school re-organisation proposals should be raised with Rochdale Borough Council Email: fay.davies@rochdale.gov.uk Phone number: 01706 925846
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 have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding Email: LADO@Rochdale.Gov.UK Phone: 0300 3030350 Or the Early Help and Safeguarding Hub (EHASH) Email: <a href="mailto:ehash@rochdale.gov.uk">ehash@rochdale.gov.uk</a> Phone: 0300 3030440
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  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. The details of these procedure will remain confidential to the Headteacher and/or the individual's Line Manager. The complainant is not entitled to participate in the proceedings and will not be informed of any disciplinary action taken against an individual 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 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>

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 Shawclough Primary 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.

#### **Managing serial and persistent complaints**

There may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and you may choose not to respond. However, you should not mark a complaint as 'serial' before the complainant has completed the procedure. If this situation occurs, please refer to the policy for managing serial and unreasonable complaints towards the end of this policy (page 10).

#### **Banning from schools premises**

A school site is private property. A person visiting school premises does so subject to a condition that they will behave in an appropriate manner. If a person fails to do so they can be told not to enter the premises. This is often the most effective action to take but the school may only do this when it is necessary and proportionate in all the circumstances. When incidents occur they need to be responded to quickly. The action required will clearly depend upon the particular circumstances of the incident. It may, for example, be possible to resolve a matter by simply reassuring an upset parent who is behaving inappropriately. At the other extreme it may be necessary to call the Police. The Headteacher or nominated person should consider the circumstances to determine this. If there is a threat to the safety of members of staff or pupils the school should not hesitate to call the Police immediately. The school must initially decide the best course of action to take, based on the individual circumstances. However, advice may be sought from RBC's Safety Team and/or Legal Services where required.

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Section 29 of the Education Act 2002 requires that:

- The governing body of a maintained school (including a maintained nursery school) shall:

- establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section; and
- publicise the procedures so established.

Section 39 of the Education Act 2002 provides the following:

"maintained school" means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

"maintained nursery school" means a nursery school which is maintained by a local education authority and is not a special school;

complaint form

LA Complaints Policy and Handbook Sept 2020 [Compatibility Mode] - Word

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how you have attempted to resolve your concerns informally and the reason this was not a solution for you.

11:07 27/11/2021

## COMPLAINT FORM

Please complete and return to the Headteacher / Chair of Governors / School Based Clerk to the Governing Board – as appropriate, marked as Private and Confidential. You will receive an acknowledgement for your complaint and an outline of the action to be taken.

<b>Your name:</b>	
<b>Pupil's name (if relevant):</b>	
<b>Your relationship to the pupil (if relevant):</b> NB: If you are a third party acting on behalf on a complainant please ensure you have provided the appropriate consent.	
<b>Address:</b>	
<b>Email address:</b>	
<b>Day time telephone number:</b>	
<b>Evening telephone number:</b>	

Summary of the facts of the complaint in chronological order including whether you have spoken to anyone in school about it	Dates, times of incidents	Witnesses	Evidence / paperwork

**Outline here how you have attempted to resolve your concerns informally and the reason this was not a satisfactory solution for you.**

Date/s dealt with informally:	
Name of the person you raised your concern with informally:	

What actions / resolution / outcome you would like to resolve your complaint.
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Signature:	
Date:	

Official use			
Date received:		By who:	
Referred to:		Date referred:	

**NB: additional lines/spaces can be inserted into this form as required. All sections require completion.**

<p>If you are raising this complaint as a third party, acting on behalf of the complainant, consent is required by the complainant. They should complete the following section to confirm this.</p> <p>I, _____ [PRINT NAME] give consent to          _____ [PRINT NAME] to raise this complaint on my behalf.</p> <p>I am aware that this will mean you discussing my complaint and any relevant personal information with them.</p>	
Signature:	
Date:	