

## Complaints Policy

### 1. Aims:

The Governors of Southfield Primary School are committed to have a consistent and fair approach to handling complaints in accordance with DfE guidance.

We aim to resolve concerns or complaints by informal means where ever possible. We have clear consistent guidelines for the formal complaints process, when informal resolutions have been unsuccessful.

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial and not adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- respect people's desire for confidentiality
- address all points of issue, provide an effective response and appropriate redress where necessary
- consider how the complaint can feed into the school improvement evaluation processes

### 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

### 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

This procedure applies to complaints that have not been successfully resolved informally and that are not covered by specific statutory processes such as admissions, Safeguarding, SEN assessments, exclusions, whistle blowing, staff grievances or staff discipline.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

#### **4. Principles for investigation**

When investigating a complaint, we will try to clarify:

What has happened

Who was involved

What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

#### **5. Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the school’s fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **6. Record-keeping**

The school will record the progress of all complaints (using the form in appendix 3), including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

## **7. Learning lessons**

The Chair of the complaint panel will review any underlying issues raised by complaints with the Head Teacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **8. Monitoring arrangements**

The Governing Body monitors the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues 3 times a year.

The complaints records are logged and managed by the Head Teacher.

**Appendix 1 – The Complaints process**

**Appendix 2 – The Complaint form**

**Appendix 3 – Complaint Recording Form**

**Appendix 4 – Complaint Monitoring Form**

**This policy was approved by The Governing Body of Southfield Primary School at their meeting on Wednesday 26 February 2020.**

**Signed by..... Chair of Governors**

**Review Due; January 2023**

## Appendix 1 – The Complaints process

***Parents and others should direct concerns and complaints to the School NOT the Governing Body in the first instance***

### Stage 1: Informal – to relevant member of staff

- Informal complaint is made to the relevant member of staff in person, by letter, telephone or email to the school office.
- Staff member will acknowledge complaint within 1 school day and investigate and provide a response within 3 school days.
- The informal stage will involve a meeting between the complainant and the member of staff and/or Head Teacher if appropriate.

*If the complainant is not satisfied with the informal resolution they should escalate it to a formal complaint.*

### Stage 2: Formal – to Head Teacher (Where the complaint is in relation to the Head Teacher, the complaint should be made in writing to the Chair of Governors)

- Formal complaint is made to the Head Teacher in writing (use complaint form, include what you feel would resolve the complaint)
- Head Teacher will acknowledge complaint within 1 school day.
- Head Teacher (or other person appointed by the HT for this purpose) will conduct their own investigation to include a meeting with the complainant if appropriate and provide a written conclusion from this investigation to the complainant within 10 school days.

*If the complainant is not satisfied with the response from the Head Teacher and wishes to proceed to the next stage of this procedure, they should inform the Chair of Governors in writing via the Clerk to the Governors within 5 school days.*

### Stage 3: Formal – to The Governing Body

- Complaint is made to the Chair of Governors (to include copies of complaint form, stage 2 outcome letter and explanation as to why complainant is dissatisfied with resolution)
- Chair of Governors to acknowledge complaint within 3 working days (this may be done via the Clerk to the Governors where the Chair of Governors is unable to respond within the time frame and will indicate a new timeframe)
- Chair of Governors to clarify nature of the complaint and what remains unresolved.
- Agree with complainant whether to proceed to Governors complaint panel.
- All complaint paperwork passed to the Clerk to the Governors from the Chair/Head Teacher within 5 school days of complainant expressing wish to go to Governors complaint panel.
- Clerk to arrange panel meeting at their convenience within 15 school days of receiving complaint paperwork.
- Outcome of Governor complaint panel to be communicated to complainant within 10 school days of the meeting.

#### End of school's complaint procedure - to the ESFA

- **If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:**
  - Whether there was undue delay, or the school did not comply with its own complaints procedure
  - Whether the school was in breach of its funding agreement with the Secretary of State
  - Whether the school has failed to comply with any other legal obligation
- **If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.**
- **For more information or to refer a complaint, see the following webpage:**  
<https://www.gov.uk/complain-about-school>

*For guidance and support in the complaints process please contact, Wendy Willie the Clerk to Southfield Primary School at [w.willie@southfieldprimary.info](mailto:w.willie@southfieldprimary.info)*

## Supporting Notes regarding the Complaints process

### Notes for staff/ HT regarding complaint resolution

At each stage in the procedure informal and formal, schools will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or 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.

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

### Complaints Panel

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Governors.

The complainant may bring a 'friend' to that panel

Convening and holding a complaints panel.

- a) It is the responsibility of the Clerk to convene a complaint panel meeting within 15 days of receiving the complaints paperwork from the Chair of Governors.
- b) The complaints panel will consist of at least 3 people including 2 of the school's Governors with no prior knowledge of the complaint and 1 panel member independent of the management and running of the school (Southfield Primary School will use Governors from Warriner MAT schools as the 3<sup>rd</sup> independent panel member. Governors from other WMAT schools or Directors of the WMAT will be used for all 3 panel members where there are no local Governors without prior knowledge of the complaint)
- c) The Head Teacher will provide the panel with the existing record of the complaint's progress via the Clerk to the Governors.
- d) The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.
- e) The Clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. These should be copied and sent to panel members, parent(s) and Head Teacher five school days before the hearing. This ensures that everyone has ample time to read and understand the papers.

- f) At the complaint panel meeting, the complainant and the Head Teacher, will be present. (At a complaint panel the complaint will never be against a junior member of staff but about how the Head Teacher has handled the complaint and why a resolution has not been achieved)
- g) At the meeting, each individual will have the opportunity to give statements and present their evidence.
- h) The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with **written** witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed.
- i) The panel, the complainant and the Head Teacher will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
- j) The panel must then address each point of complaint as agreed in the complaint form/panel meeting and decide whether to dismiss or uphold each complaint in whole or in part. They will agree their reasons for each decision which will be documented in a complaint outcome letter by the Clerk and sent to the complainant and the Head Teacher within 10 school days of the panel meeting.

#### **Notes to Head Teachers**

- a) The Governing Body as a whole should be informed that a formal complaint has been made at stage 2 of the procedure, but no more detail should be provided in case a complaint panel needs to be convened.
- b) If a formal complaint has been made, a record of that complaint and its progress must be kept by the Head Teacher (see Appendix 3) and a written response to the complainant must be sent.
- c) The Head Teacher must have no contact with members of the Governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Head Teacher and complainant enter and leave the room where the hearing is held together.

#### **Notes for the Complaints panel**

- 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.
- 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
- c) 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 not intimidating and not adversarial
- d) Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint eg. Anti-bullying policy.



- e) The panel may ask questions at any point if an immediate question will help to clarify a point. However, panel member discipline in following the format listed above will set a good example to the other parties about respecting the structure of the process. Panel members must find ways to ask probing questions while maintaining an air of impartiality.
- f) The Chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the Chair, the Chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.
- g) The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and Head Teacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

**Remit of the panel: the complaints 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 problems of a similar nature do not recur.

**It may:**

- Consider and, if appropriate, criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself**
- Consider the thoroughness with which the Head Teacher investigated a complaint about a member of staff – **but cannot expect the Head Teacher to provide details about confidential discussions with that staff member.**
- Consider the manner in which a complaint about any decision was addressed – **but cannot expect the Head Teacher to have changed the decision**
- Consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
- Consider whether it should recommend that the Governing Body offer appropriate redress

**Format of a Panel Hearing**

1. Complainant and head teacher will enter the room where the hearing is taking place together.
2. The Chair will introduce the panel members and the clerk and outline the process.
3. The complainant is invited to explain the complaint,
4. The Head Teacher may question the complainant
5. The panel will question the complainant
6. The Head Teacher is then invited to explain the school's actions



7. The complainant may question the head teacher
8. The panel will question the head teacher
9. The complainant is then invited to sum up their complaint.
10. The Head Teacher is then invited to sum up the school's actions and response to the complaint.
11. The Chair explains that both parties will hear from the panel within ten school days.
12. The Chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the Chair should attempt to rectify that before the hearing ends.
13. Both parties leave together while the panel decides on the issues.
14. The Clerk will remain with the panel to clarify

### **Persistent complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

The school has taken every reasonable step to address the complainant's needs, *and*

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

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*

The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*

The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

## Appendix 2 – Complaint Form

### Notes

The form overleaf can be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. school neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the school. The Clerk to the Governors who is familiar with the process can give help.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the head teacher.

If it is appropriate that it should be dealt with by the governing body, it should be returned to the Clerk to the Governors at the school.

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## Complaint form

Please complete and return to the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name: .....

Address: .....

.....

.....

Postcode: .....

Daytime telephone number: .....

Evening telephone number: .....

If applicable, name of child(ren) at school:

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?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

*Continued overleaf*

**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 of acknowledgement sent:** .....

**By Whom:** .....

**Complaint referred to:** .....

**Date:** .....

### Appendix 3 – Complaint Recording Forms

**1. Complaint File – Header Sheet** (to be completed by HT for every formal complaint – see stage 2 of complaint process and to be filed with supporting paperwork)

Date formal complaint made to Head Teacher	
Name of Complainant	
Nature of Complaint <i>(complaint form/letter attached)</i>	
Actions taken to resolve <i>(resolution letter to complainant attached)</i>	
Outcome of stage 2 resolution – with date <i>(closed/escalated)</i>	
Date escalated to stage 3 and passed to Chair of Governors	
Date of Complaint Panel agreed?	
Outcome of complaint panel <i>(outcome letter attached)</i>	
Date complaint closed	

**2. Record of complaint communication** *(to be kept for all formal complaints)*

Complainant Name;

Date	Communication type	Summary of Communication

**Appendix 4 – Complaints monitoring form**

*(anonymised data to be shared with the Governing Body in the HTs report 3 times a year)*

Summary of formal complaints received this year;

*(definition of a formal complaint – where attempts to resolve a complaint informally have been unsuccessful and the complaint has been escalated to the Head Teacher)*

Date formal complaint received	Nature of complaint	Outcome <i>(resolved by HT/Complaint panel)</i>	Date complaint closed	Any procedure/policy recommendations made by HT or complaint panel?

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