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Complaints Policy

1. Overview

- 1.1. Whitley Memorial C of E Primary School aims to resolve all complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.
- 1.2. This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.
- 1.3. Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.
- 1.4. The headteacher will be the first point of contact when following the complaints procedure (unless the complaint is against the headteacher, in which case the chair of governors will be the first point of contact).

2. Definitions

3. For the purpose of this policy, a **"complaint"** can be defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action taken.
4. A **"concern"** can be defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.
5. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.
6. A **"grievance"** is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.
- 6.1. For the purpose of this policy, **"Unreasonable Complaints"** include both "Vexatious complaints" and or "Serial or Persistent Complaints":
 - 6.1.1. "Vexatious complaints":
 - 6.1.1.1. Are obsessive, persistent, harassing, prolific, repetitious.
 - 6.1.1.2. Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.



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- 6.1.1.3. Insist upon pursuing meritorious complaints in an unreasonable manner.
- 6.1.1.4. Are designed to cause disruption or annoyance.
- 6.1.1.5. Demand for redress which lacks any serious purpose or value.
- 6.1.2. "Serial or Persistent Complaints":
 - 6.1.2.1. Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - 6.1.2.2. Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.
- 6.2. Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.
- 6.3. For the purpose of this policy, "**Duplicate Complaints**" are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- 6.4. Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

7. **Roles and Responsibilities**

- 7.1. The complainant will:
 - 7.1.1. Cooperate with the school in seeking a solution to the complaint.
 - 7.1.2. Express the complaint and their concerns in full at the earliest possible opportunity.
 - 7.1.3. Promptly respond to any requests for information or meetings.
 - 7.1.4. Ask for assistance as needed.
 - 7.1.5. Treat any person(s) involved in the complaint with respect.
- 7.2. The complaint investigator (appointed by the school) will:-
 - 7.2.1. Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.



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- 7.2.2. Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- 7.2.3. Keep up-to-date records throughout the procedure which shall be kept and held securely.
- 7.2.4. Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk to governors and chair of governors.
- 7.2.5. Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- 7.2.6. Be aware of issues with regards to sharing third party information.
- 7.2.7. Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.
- 7.3. The headteacher, (or where the complaint is against the headteacher, the chair of governors), is responsible for:
 - 7.3.1. Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
 - 7.3.2. Considering all records, evidence and relevant information provided.
 - 7.3.3. Interviewing all parties that are involved in the complaint, including staff and pupils.
 - 7.3.4. Analysing all information in a comprehensive and fair manner.
 - 7.3.5. Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
 - 7.3.6. Identifying and recommending solutions and courses of actions to take.
 - 7.3.7. Being mindful of timescales and ensuring all parties involved are aware of these timescales.
 - 7.3.8. Responding to the complainant in a clear and understandable manner.
 - 7.3.9. Help to provide the support necessary where the complainant is a child.
- 7.4. The panel chair will:
 - 7.4.1. Ensure that minutes of the meetings are taken on every occasion.



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- 7.4.2. Explain the remit of the panel to the complainant.
- 7.4.3. Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- 7.4.4. Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- 7.4.5. Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- 7.4.6. Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- 7.4.7. Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- 7.4.8. Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- 7.4.9. Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- 7.4.10. Organise a short adjournment of the hearing if required.
- 7.4.11. Liaise with the panel clerk and complaint investigator to ensure the procedure runs smoothly.
- 7.4.12. Help to provide the support necessary where the complainant is a child.
- 7.5. All panel members will be aware that:
 - 7.5.1. The panel meeting is independent and impartial.
 - 7.5.2. No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
 - 7.5.3. The aim of the panel is to review the complaint and reach a reasonable decision on the outcome.
 - 7.5.4. Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
 - 7.5.5. The panel can:



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- 7.5.5.1. Dismiss or uphold the complaint, in whole or in part.
- 7.5.5.2. Decide on appropriate action to be taken.
- 7.5.5.3. Recommend changes that the school can make to prevent reoccurrence of the problem.
- 7.5.6. Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- 7.5.7. When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.
- 7.6. The panel clerk will:
 - 7.6.1. Liaise with the complaint investigator.
 - 7.6.2. Record the proceedings and take accurate minutes.
 - 7.6.3. Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
 - 7.6.4. Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
 - 7.6.5. Greet all parties as they arrive at the hearing.
 - 7.6.6. Notify the relevant parties of the panel's decision and any other actions to be taken.
- 8. **Raising a complaint**
 - 8.1. Complaints are not restricted to parents of attending pupils – the school will consider all complaints, providing they are not anonymous.
 - 8.2. The school will ensure the complaints procedure is:
 - 8.2.1. Easily accessible and publicised on the school's website.
 - 8.2.2. Simple to understand and put into practice.
 - 8.2.3. Impartial and fair to all parties involved.
 - 8.2.4. Fairly investigated, by an independent person when necessary.
 - 8.2.5. Respectful of confidentiality duties.



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- 8.2.6. Used to address all issues to provide appropriate and effective responses where necessary.
- 8.3. Complaints are expected to be made as soon as possible after an incident arises to allow the issue to be investigated in an appropriate timescale. Unless there are exceptional circumstances, the school adopts a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered on a case by case basis.
- 8.4. Any complaint made against a member of staff will be initially dealt with by the headteacher, and then by a committee of the governing body if not resolved.
- 8.5. Any complaint made against the headteacher shall be initially dealt with by a suitably skilled member of the governing body and then by a committee of the governing body.
- 8.6. Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the clerk to governors. Any complaint made against the entire governing board, or complaints involving the chair of governors and the vice chair of governors, should be made in writing to the clerk to governors. The clerk to governors will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.
- 8.7. Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reasons for this.
9. **Complaints procedure**
- 9.1. This procedure is for use for complaints against the school, a member of staff or the governing body.
- 9.2. The complaints procedure covers all complaints, other than those that are dealt with under other statutory procedures, including those listed below:
- 9.2.1. Appeals against admissions;
- 9.2.2. Appeals against exclusions;
- 9.2.3. Appeals about assessments and statements of special educational needs and against Education Health Care Plans; or
- 9.2.4. Complaints against collective worship and religious education.
- 9.2.5. 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



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you have serious concerns, you may wish to contact the local authority designated officer (LADO) (LADO@northumberland.gov.uk)

- 9.2.6. 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: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure.
 - 9.2.7. Staff grievances - Complaints from staff will be dealt with under the school's internal grievance procedures.
 - 9.2.8. 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.
 - 9.2.9. 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.
- 9.3. For further guidance on any of the above please contact the Head teacher.

Stage 1 – Complaint heard by staff member/ Headteacher/ Chair of Governors

- 9.4. 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 members of staff are made aware of the procedures, they know what to do when they receive a complaint.
- 9.5. In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that he/she would have difficulty discussing a complaint with that particular member of staff he/she should be referred to another staff member. Where the complaint concerns the head teacher, or a governor, the complainant should be referred to the chair of governors. Complaints against the Chair of Governors should be addressed to the Clerk to Governors.
- 9.6. Similarly, if a member of staff/head teacher/chair of governors feels too compromised to deal with a complaint it should be referred to another member of staff or another governor. The ability to consider the complaint objectively and impartially is crucial and it is also important to give an indication of timescale if it is found that the complaint requires further investigation.



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9.7. If a complainant first approaches a governor, he/she should be referred to the appropriate person i.e. the member of staff concerned or the chair of governors. Governors should 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 committee at a later stage of the procedure.

9.8. It is hoped the majority of complaints can be resolved at this informal stage.

Stage 2 – Formal Consideration of the complaint

9.9. If the complainant is dissatisfied with the way the complaint has been handled at stage 1, or wishes to pursue their complaint as a formal complaint without consideration at stage 1 – then it may be dealt with at Stage 2.

9.10. Formal complaints at Stage 2 must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form – See Schedule 1), or by telephone.

9.11. The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) and usually within 5 school days.

9.12. Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this. Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

9.13. During the investigation, the headteacher (or investigator) will:

9.13.1. if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish; and

9.13.2. keep a written record of any meetings/interviews in relation to their investigation.

9.14. At the conclusion of their investigation, the headteacher will provide a formal written response usually within 25 school days of the date of receipt of the complaint.

9.15. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

9.16. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

9.17. The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.



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- 9.18. If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.
- 9.19. Complaints about the headteacher or member of the governing body must be made to the Clerk of Governors. If the complaint is:
- 9.19.1. jointly about the Chair and Vice Chair or
 - 9.19.2. the entire governing body or
 - 9.19.3. the majority of the governing body

then Stage 2 will be considered by an independent investigator appointed by the governing body or diocese. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 3: Complaint Heard by Governing Body Complaints Committee (final stage)

- 9.20. If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.
- 9.21. A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response.
- 9.22. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email), usually within 5 working days of receipt.
- 9.23. Requests to proceed to Stage 3 which are received outside of this time frame will only be considered if exceptional circumstances apply.
- 9.24. The Clerk will write to the complainant to inform them of the date and time of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 9.25. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 9.26. The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.



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- 9.27. If there are fewer than three governors from the school available, the Clerk will source any additional, independent governors through another local school or from the local authority, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.
- 9.28. The complainant may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. Representatives from the media are not permitted to attend.
- 9.29. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- 9.30. Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
- 9.31. Ten school days before the meeting (or as soon as reasonably practicable), the Clerk should:
- 9.31.1. confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
 - 9.31.2. request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.
- 9.32. Any written material will be circulated to all parties normally 5 school days before the date of the meeting (or as soon as reasonably practicable). The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 9.33. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints should normally be dealt with from Stage 1 or 2 of the procedure.
- 9.34. The committee will consider the complaint and all the evidence presented. The committee can:
- 9.34.1. uphold the complaint in whole or in part
 - 9.34.2. dismiss the complaint in whole or in part.
- 9.35. If the complaint is upheld in whole or in part, the committee will:
- 9.35.1. decide on the appropriate action to be taken to resolve the complaint



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- 9.35.2. where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- 9.36. The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, normally within 5 school days (or as soon as reasonably practicable).
10. **Next steps**
- 10.1. If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.
- 10.2. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.
- 10.3. The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

Date of validation: Oct 2021 Signed Arleen Thompson. Chair of Governors

A handwritten signature in blue ink that reads "Claire Gray".

Claire Gray Head Teacher 07/10/21

Date of review: Oct 2023 Signed..... Chair of Governors

Appendix 1: Schedule 1 - Complaint Form

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature:
Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:



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Appendix 2: Managing serial and unreasonable complaints

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Whitley Memorial C of E Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Whitley Memorial C of E Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and 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 complaint 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 and complicated



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contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 being reached.

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 ask them to change it. For complainants who excessively contact Whitley Memorial C of E Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Whitley Memorial C of E Primary School.