

# Little Stoke Primary School

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## LSPS Complaints Policy

### Review Details

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Signed	Dan Ross	Scott Pells	Key changes

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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Little Stoke Primary School aims to work in partnership with parents in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly.

## 2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

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. At Little Stoke Primary, we operate an ‘Open Door’ policy where we endeavour to respond to concerns at the point of need, often at the beginning or end of the day and in the majority of cases on the same day that they are raised.

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.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- School reorganisations
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- National Curriculum content

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the SENDco or Head Teacher. They will then be referred to this complaints policy. Our SEN Policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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 where exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

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 a later stage of the process.

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **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 make available the inspection report on the school's website and provide copies on request to parents and carers.

## **5. Stages of complaint (not complaints against the headteacher or governors)**

### **Stage 1: informal**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 24 hours, and investigate and provide a response within 3 school days.

Initial complaints will be dealt with by the most suitable person depending on the severity.

The informal stage will involve a meeting between the complainant, the headteacher and/or the subject of the complaint, as appropriate. Often the complaint will be dealt with by the class teacher or headteacher at the same point as it is raised.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

If at any stage the complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Stage 2: formal**

#### **How to raise a complaint**

Formal complaints can be raised by contacting the Headteacher. Correspondence will be treated with confidentiality.

- By letter or email
- Over the phone

- In person
- By a third party acting on behalf of the complainant as long as they have appropriate consent to do so.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 5 school days by e-mail or posted by recorded delivery.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to governors within the timescale detailed below in Stage 3.

### **Stage 3 Escalating a Complaint**

#### **How to escalate a complaint**

Complaints can be escalated by contacting the clerk to governors via the School office within 7 school days of the complainant's receipt of the Stage 1 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply. Requests can be made:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant as long as they have appropriate consent to do so.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint. Correspondence will be treated with confidentiality.

The clerk will record the date the request to proceed to the next stage was received, acknowledge receipt either by e-mail or in writing within 10 school days. The clerk will convene a panel of 3 impartial available governors who do not have direct knowledge of the complaint and a clerk to organise and minute the meetings.

The panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel meeting; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the panel meeting and rejects the offer of three proposed dates, unless good reasons are provided, the panel clerk/chair 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.

Prior to the meeting, the panel will decide amongst themselves who will act as the Chair of the Complaints Panel. If there are fewer than three governors from Little Stoke Primary available, the clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, and if necessary, an entirely independent committee may be convened to hear the complaint.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, legal representation at the meeting is not encouraged, as these

meetings are not a form of legal proceedings. However, there may be occasions when support by a trade union representative or other legal representation is appropriate, the panel would seek advice as necessary.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union /legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaint's 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.*

At the meeting(s), each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence. Depending on the circumstances, different representation will be present at different times

Representatives from the media are not permitted to attend.

Written material will be circulated to all parties before the date of the meeting.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

The panel where appropriate, will recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within 14 school days following the conclusion of the complaints meetings with all parties and make a copy of the findings and recommendations available for the headteacher.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Little Stoke Primary.

## **6. Complaints against the headteacher, a governor or the governing body**

Complaints made against the headteacher should be directed to the Chair of governors. A suitably skilled governor will be appointed to complete all the actions at Stage 2, and then a committee of members of the governing body (stage 3).

Complaints against the chair of governors or any individual governors should be directed to the clerk to the governing body, the clerk will then arrange for the complaint to be heard. This will be done by a suitably skilled and impartial member of the governing body (stage 2) and then a committee of members of the governing body (stage 3)

Complaints against the entire governing body or complaints involving both the chair and vice chair or the majority of the governing body should also be sent to the clerk, who will then determine the most appropriate course of action. This will depend on the nature of the complaint. If appropriate the clerk will ask for support from the governor services team at the LA, concerning sourcing independent investigators.

## 7. Referring complaints on completion of the school's procedure

### Next Steps

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.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Little Stoke Primary. They will consider whether Little Stoke Primary has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://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.

## 8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaint's 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.

## 9. Unreasonably persistent complaints or harassment

In cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach

- Inform the complainant in writing that the school considers his/her behaviour to be unreasonable or unacceptable, and request a changed approach
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken
- Inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channeled through the Local Authority

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- Ban the individual from entering the school site, with immediate effect
- Request an Anti-Social Behaviour Order (ASBO)
- Prosecute under Anti-Harassment legislation
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to action relating to harassment or abusive behaviour. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

## Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 10. Record-keeping

The school will record the progress of all complaints, 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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and GDPR policies and procedures.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board (the complainant should provide evidence to support this request), who will not unreasonably withhold consent.

## 11. Learning lessons

The board of governors will review any underlying issues raised by complaints with the headteacher or senior leadership team where appropriate, (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.



## **12. Monitoring arrangements**

The governing body will monitor 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 as stated in section 10.

The complaints records are logged and managed by the head teacher or school business manager.

This policy will be reviewed by the headteacher every 2 years

At each review, the policy will be approved by the full governing body.

## **12. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices