

Complaints Procedure

Leighton Primary and Preschool

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An Introduction to the Complaints Policy

1. AIMS

1.1 Leighton Primary and Preschool aim to meet its statutory obligations (section 29 of the Education Act) when responding to complaints from parents of pupils, and members of the community

1.2 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 and courtesy
- 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 schools improvement evaluation processes

1.3 The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, the existence of this policy is published on the school website and is made available through the website.

1.4 Throughout the process, the school will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. PURPOSES OF THE COMPLAINTS PROCEDURE

2.1 The purpose of our Complaints Procedure is to provide a comprehensive, open, transparent, fair and timely vehicle through which:

- something that may have gone wrong can be identified, acknowledged and, where necessary, put right;
- an apology may be made where appropriate;
- The school and its senior management can, where appropriate, learn from the process, making it less likely that a similar complaint will be brought in the future.

2.2 A written record will be kept of all complaints along with details of how they were resolved following a formal investigation or progression to a panel hearing.

3. LEGISLATION AND GUIDANCE

3.1 This document meets the requirements set out in part 29 of the Education Act which states that the school must have procedures for dealing with complaints relating to the school, or to the provision of facilities or services of the schedule to the Education (unless the issue is covered by other legislation – see Appendix 3).

3.2 This policy refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE). **The Local Authority has no statutory authority to investigate our school complaints and complaints must be directed to the school**

4. DEFINITIONS AND SCOPE

4.1 Definitions

4.1.1 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

This is classed as an informal complaint and will usually be dealt with within 5 working days (see timescales in Appendix 1)

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

This is classed as a formal complaint and will usually will be dealt with within 10 working days (see timescales in Appendix 1)

4.2 Scope

4.2.1 Leighton Primary and Preschool intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their issues formally.

4.2.2 This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters (see 3.2.3)
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

4.2.3 Complaints relating to safeguarding matters may fall within the scope of procedures outlined in the school's Child Protection policy, for example, allegations made against staff members. For all other complaints relating to safeguarding, the principles of this policy will be followed. However, due to the complexity and sensitivity of this type of concern an assessment of the most appropriate person to undertake any investigation will be made by a member of the Senior Leadership Team and complainants will be informed of the course of action being taken.

4.2.4 Arrangements for handling complaints from parents of children with special educational needs (SEN) about the academy's support are within the scope of this policy. Such complaints should first be made to the class teacher or special educational needs co-ordinator (SENDCO); they will then be referred to this complaints policy. Our SEN policy and Information Report includes information about the rights of parents of pupils with disabilities who believe that the academy has discriminated against their child.

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

5. WHO CAN MAKE A COMPLAINT?

5.1 Any person who has a legitimate interest in the school may make a complaint

- including pupils on roll at the school irrespective of their age, although normally a complaint from a pupil would come through a parent.
- parents or carers of children no longer at the school
- members of the public.

5.2 Unless complaints are dealt with under separate statutory procedures (see 3.2.2), we will use this complaints procedure.

5.3 Where a person is not able to make a complaint himself or herself, a friend or other family member may do so on their behalf, but that person does not become the complainant. The Governing Body will not accept complaints from legal representatives.

5.4 Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

5.5 The Governing Body will ensure that any third party providers have their own complaints procedures in place if they are using school premises to offer services.

6. PRINCIPLES FOR INVESTIGATION

6.1 When investigating a complaint, we will try to clarify:

- What has happened

- Who was involved
- What the complainant feels would put things right

7. ROLES AND RESPONSIBILITIES

7.1 The complainant

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

- cooperate with the school throughout the process, and respond to deadlines and communication promptly
- treat all those involved with respect
- not publish details about the complaint on social media
- explain the complaint in full as early as possible;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

7.1.2 The person receiving the complaint will complete the Informal concern or complaints log (Appendix 5) in the first instance and this will be passed to the PA to the Headteacher to bring to the attention of the Headteacher. An acknowledgement email will be sent usually within 1 day using the model found in Appendix 4 and a record logged in the complaints folder held on the Google Drive.

7.2 The investigator

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

- contact all relevant parties, keeping notes
- consider records and any written evidence and keep these securely
- prepare a comprehensive report which includes the facts and potential solutions
- establish what has happened and who has been involved in a sensitive and appropriate way
- interview staff and children/young people (or reviewing records of staff interviews with children) and other people relevant to the complaint;
- consider any appropriate written records and other relevant information;
- analyse information;
- liaise with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator will aim to complete this part of the process within 3 working days allowing a meeting to be arranged within 5 days.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond;
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

7.3 Clerk to the Governing Body

7.3.1 The clerk will:

- be the contact point for the complainant and the Local Board Complaints Panel, including circulating the relevant papers and evidence before Complaints Panel meetings
- arrange the complaints hearing (usually allowing 5 working days notice, this can be done sooner if the investigator feels this is necessary)
- record and circulate the minutes and outcome of the hearing
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- make a written record of the proceedings;
- circulate the minutes of the meeting;
- notify all parties involved of the committee's decision.

7.4 Complaints Panel chair

7.4.1 The Complaints Panel chair will:

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

7.5. Complaints Co-ordinator (PA to the Headteacher/ HR Manager)

7.5.1 The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure;
- be aware of issues regarding:
 - sharing third party information;
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;
 - keep careful records.

7.6 Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting (this would usually be requested 3 days ahead of the arranged meeting to allow all information to be read thoroughly);
- If the complainant is invited to the meeting, that it is conducted in an informal manner, is not adversarial, and that, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease.
- the remit of the committee is explained to the complainant;
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR;
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- minutes of the meeting are taken;

- they liaise with the Clerk (and complaints coordinator, if the school has one).

7.7 Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so;
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant;

It is recognised that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations. Careful consideration will be made as to whether a child/young person should be present at any arranged meeting.

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8. TIME SCALES (Appendix1)

8.1.1 The complainant must raise the complaint within 6 weeks of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 6 weeks of the last incident.

8.1.2 An exception to this time frame will be considered 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.

8.1.3 When complaints are made out of term time, we will consider them to have been received on the next school day.

8.1.4 If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

8.2 Complaints about our fulfilment of early years requirements

8.2.1 All written complaints relating to the school's fulfilment of the schools requirements will be investigated and the complainant notified of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 13) and make this available to Ofsted on request.

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

8.2.3 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.

8.2.4 If other bodies are investigating aspects of the complaint, for example the police, LA safeguarding teams or tribunals, there may be an impact on the school's ability to adhere to timescales, or the procedure may have to be suspended until those investigations are complete.

8.2.5 If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period.

9. PUBLICISING THE COMPLAINTS PROCEDURE

9.1 The school will make copies of the procedure and the complaints forms available from the school (clearly this will be easily accessible without a potential complainant being asked the reason why it is being requested);

9.2 A copy of the procedure and complaints forms will be available on the school's web site, ensuring that it is easy to find through a link from the home page.

10. REVIEWING THE COMPLAINTS PROCEDURE

10.1 The Governing Body will usually review the policy annually.

A review might be required earlier in the following circumstances:

- to take account of any changes to legislation or to reflect new local authority or government guidance;
- in the light of any recommendations from the Chair or a Review Panel arising from consideration of a complaint.

We will review the policy every two years.

APPENDIX 1 - Complaint procedure (summary)

INFORMAL STAGE (up to 5 school working days in total)

School staff seek to resolve the complaint informally through discussion with the complainant. A complaint will not normally be considered unless the complainant has first raised the matter informally with the relevant school leader.

The complainant should submit a formal complaint within **90 calendar days** of the cause for complaint. If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period.

FORMAL PROCEDURE – Stage 1* (up to 10 school working days in total)

Written complaint to the Headteacher

- Received by Headteacher;
- Acknowledgement – 3 school days;
- Investigation (including any discussion with the complainant);
- Formal written response (from the Headteacher – 10 school days from receipt).

*If the complaint is about the Headteacher then the complaint will be directed to the Chair of Governors and considered as a Stage 2 complaint.

FORMAL PROCEDURE – Stage 2 (up to 10 school working days in total)

Complaint to the Chair of Governors requesting review of the Headteachers decision or a complaint about the Headteacher

- Received by Chair of Governors (within 10 school days of the Headteacher's response);
- Acknowledgement – 3 school days;
- Investigation (including any discussion with the complainant);
- Formal written response (from the Chair of Governors or Clerk) – 10 school days from receipt.

FORMAL PROCEDURE – Stage 3 (up to 20 school days total)

Request for review of Chair's Decision – Governors' Complaint Panel

- Received by Clerk to the Governors (within 10 school days of the Chair of Governor's response);
- Acknowledgement – 3 school days;
- Meeting;
- Formal written response (from the Clerk) – 20 school days from receipt of request.

The conclusion of Stage 3 brings to an end the governors' role in considering the complaint. Complainants who remain dissatisfied may wish to contact the Department for Education.

Informal stage

- Every effort should be made to resolve matters informally, the process to follow is as follows:
 - ❖ First step is to speak with the Class Teacher
 - ❖ If this has not been resolved you should speak with the Phase Leader
 - ❖ The next step from here would be to arrange to discuss your concern with a member of the SLT
 - ❖ If this has still not resolved your concern the headteacher will then arrange a meeting to discuss.
- All concerns and complaints will be logged using a 'Concern or Complaint Logging Form'.
- If the concern or complaint is in the form of an email a copy of the email will be attached to the logging form.
- The school will aim to acknowledge an informal concern or complaint within 3 working days
- The school will aim to resolve the informal concern or complaint within 5 working days (this timescale may need to be extended when dealing with more complex concerns, complainants will be kept updated throughout the process)
- Initially school staff below the level of Headteacher will seek to resolve matters. Where there is a significant level of challenge, staff will refer the matter to the Headteacher as a cause for concern. The Headteacher will then seek to resolve the matter through discussion with those expressing concerns.
- Whether attempts to resolve concerns at an informal stage are by telephone conversation or through meetings, school staff will take a note of any agreed action points and summarise these at the end of the conversation. The agreed action points will be circulated promptly to those involved in the discussion if that was agreed at the meeting.

The formal Complaints Procedure will not normally be accessed unless the Headteacher has first been given the opportunity to discuss the matter with the complainant, either by telephone or, preferably, in person.

- Where the Headteacher is unable to resolve matters through discussion, the parent will be asked if they wish to make a formal complaint to the Headteacher.
- A formal complaint should be made in writing using the formal School Complaints Form at the end of this document and available on the school website or from the school office.

Stage 1 - Making a formal complaint to the Headteacher

The procedure

1.1 The procedure for making a formal complaint requires a complainant to complete, and to submit, a Complaint Form and to do so within **90 calendar days** of the issue about which they are complaining. If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period.

1.2 The Headteacher will record the date the complaint is received and acknowledge receipt of the complaint form in writing within **3 school days** and investigate the matter so that the complainant receives a formal written response within **10 school days**. On occasion, the complaint may be too complex to investigate within this timescale and, in these circumstances, the Headteacher will write to the complainant explaining why it is not possible to work within the timescales laid down and to advise when a response will be issued. The Headteacher may delegate the complaint to another member of the senior leadership team, but not the decision to be taken.

1.3 If the complaint is against the Headteacher, the complaint form should be sent directly to the Chair of Governors, c/o the school. The procedures set out in Part 2 of this document should then apply.

Expected Outcomes

1.4 The actions that the school may take to put matters right might involve one or more of the following:

- a review of policy or procedure
- changes to routines;
- action to remedy a health and safety concern;
- restorative work involving a pupil and a member of staff;
- risk assessment to determine the likelihood of similar problems recurring
- an apology or an admission that the situation could have been handled differently or better;
- action towards a member of staff (on the occasions that this is of a disciplinary nature, no further information will be shared, as this is a matter of employment contract law for employees and a straightforward matter of privacy for volunteers);
- a decision that no action is necessary or justified with a full explanation.

1.5 The Governing Body will not normally award financial compensation unless required to do so by virtue of legislation. The Complaint Form

1.6 A complainant who has first discussed the issue with the Headteacher may make a complaint and to do so they must use the complaint form. The complainant is asked to be brief and clear about the issue and to state what would, for them, provide a reasonable and acceptable resolution to the complaint. Unless there are exceptional circumstances, the complaint form should be submitted **within 90 calendar days** of the issue causing complaint.

Arranging Help for the Complainant to Articulate Concerns and Understand Procedure

1.7 The Governing Body is aware of its obligations under the Equality Act 2010 and understands that a complainant may have communication preferences due to disability, learning difficulties or difficulties using English. In such circumstances the complainant will be appropriately supported to make their complaint or alternative arrangements made and alternative methods of contact will be accepted.

If a complainant wishes to seek help in explaining the issue and/or with completing the Complaint Form, then support may be available from one of the following sources:

From School Staff. The Governing Body accepts that a member of the school staff may provide support, unless the Headteacher agrees that there is good reason why they should not do so. This support does not extend to support with the basis of the complaint per se, rather it is restricted to advice on how best to present the information.

From external sources. A complainant may, if they wish, seek support from any person who is not a member of staff, including legal support or from statutory and charitable organisations. A complainant may nominate a person to issue, and to receive, correspondence on their behalf. The school will request consent from the complainant before disclosing information to a third party.

Whilst the school acknowledges that, on rare occasions, parents may wish to contact solicitors, the school will not accept a complaint from a legal representative. The school will not use legal representation within the complaint resolution process but nor will parents' legal representatives be permitted to attend relevant meetings.

If the complainant contacts the Local Authority, then they will be directed to the school complaints procedure on the schools website. The Local Authority has no statutory powers of intervention in school complaints.

Stage 2 – Escalating a formal complaint to the Chair of Governors

2.1 Where the complainant considers that the Headteachers formal written response does not resolve the complaint, the complainant may ask the Chair of Governors to reconsider the Headteachers response. This request must be made in writing within **10 school days** of receiving the Headteachers response.

The procedure

2.2 If emailing the complaint, the complainant should only use the official email address for the Chair of Governors, available from the school office and not use their personal email address. In the subject field of the email, the complainant should write, 'Formal Complaint'. If delivering or posting a letter, the complainant must address it to the Chair of Governors at the school address and should write 'Formal Complaint' on the envelope. This will ensure that the complaint is dealt with promptly and enable the school to comply with the timescales set out in the policy.

2.3 The complainant should not share the complaint with other governors. A detailed knowledge of the complaint will preclude governors from serving on a review panel if the complaint is not resolved by the Chair. Governors receiving a complaint in this way should immediately refer it back to the Chair without considering the content.

2.4 The Chair of Governors will acknowledge the complaint form in writing **within 3 school days of receiving it personally** and investigate the matter so that the complainant receives a response within **10 school days**. On rare occasions, the complaint may be too complex to investigate within this timescale and, in these circumstances, the Chair will write to the complainant explaining why it is not possible to work within the timescales laid down and to advise when a response will be issued.

2.5 As part of the investigation, the Chair will make early contact with the complainant and either propose a meeting or a substantial telephone call to consider the issues raised. If telephoning, the Chair should determine whether it is necessary to withhold any number that is not the school's telephone number.

2.6 The focus of that conversation should be to:

- Consider any gaps on the complaint form;
- Consider any aspects of the complaint where additional clarification is required;
- Consider the extent to which any evidence is available that has not been mentioned on the complaint form;

- Establish the complainant's view as to witnesses who might need to be interviewed;
- Establish what would provide for the complainant an acceptable resolution to the complaint;
- Establish whether there is any pressing reason for the matter to be investigated more quickly than the published timescale allows for;
- Discuss with the complainant whether there is anything that might help resolve matters outside the complaints procedure, for example, alternative dispute resolution methods.

2.7 Complainants must make sure they do not covertly record any conversations about complaints and they should make sure they obtain informed consent from all parties present before recording conversations or meetings.

2.8 The key elements of the Chair's investigation are likely to include:

- Achievement of a shared understanding with the complainant of the nature of the complaint and of what it is that remains unresolved;
- Establishing what has happened and who was involved;
- Interviews and/or written statements from those adults and children whose information and views, in the opinion of the Chair of Governors, need to be taken into account; although the final decision of whom to interview rests with the Chair, it is expected that the voice of affected children will be appropriately heard and be given sufficient weight;
- Sensitivity and thoroughness when conducting interviews;
- A detailed report that will provide a clear record that will be helpful for any subsequent review;
- A clear analysis of the information and conclusions reached;
- An authoritative outcome that is based on the evidence and does not merely state acceptance of evidence;
- Recommendations to resolve the complaint.
- The conclusions and the reasons for decision making should be communicated in writing to the complainant and any relevant person complained about.

Expected Outcomes

2.11 The Chair will report in writing on the extent to which s/he considers the complaint is fully, or in part:

- **Substantiated** - i.e. where there is sufficient evidence to uphold the complaint;
- **Malicious** – i.e. where it is proven that the complainant has no case and where, also, there is evidence that the complainant deliberately tried to deceive the

school, made the complaint as part of a deliberate attempt to cause distress or otherwise acted with malice;

- **False** – i.e. where there is sufficient evidence to prove that there was not legitimate basis to the complaint, or
- **Unsubstantiated** – i.e. where there is insufficient evidence to reach a conclusion.

2.12 In terms of future actions there are two possible outcomes from a complaint. These are:

- Action taken by the school to put matters right. This might include one or more of the following:
 - a review of policy or procedure;
 - changes to routines;
 - action to remedy a health and safety concern;
 - restorative work involving a pupil and a member of staff;
 - risk assessment to determine the likelihood of similar problems recurring;
 - an apology;
 - action towards a member of staff (on the rare occasions that this is of a disciplinary nature, no further information can be shared as this is a matter of employment contract law for employees and a straightforward matter of privacy for volunteers).
- A decision with a full explanation, that no action is necessary or justified.

2.13 The Governing Body will not normally award financial compensation unless required to do so by virtue of legislation.

Role of the Clerk to the Governors

2.14 The Chair of Governors will appoint the Clerk to the Governing Body to:

- act in a 'progress chasing' role to track the complaint and to ensure that timescales set out within the policy are being adhered to wherever possible;
- ensure that the complainant is kept up-to-date, including where timescales have not been met and the reasons why;
- receive any concerns that the complainant might have and advise the Governing Body about the operation of the process;
- inform the Governing Body of any shortcomings in the delivery of its complaints procedure, both during the process and subsequently;
- arrange for the outcome of the investigation to be communicated to all parties (the complainant and where relevant the person complained about) **so they receive it at the same time**. This will be in the form of an email or letter from the Chair of Governors.
- Ensure that a written record of the complaint along with details of whether they were resolved following the formal procedure or progressed to a panel hearing;
- The Clerk will ensure that correspondence statements and records relating to individual complaints are stored confidentially.
- Complaint documentation does not form part of the child's educational record.

2.15 The letter from the Chair of Governors represents the conclusion of the Chair's consideration of the complaint. Neither the Chair nor any member of staff should respond to the complainant after this point. The Clerk should thereafter handle all correspondence. The complainant will be advised in the outcome letter that the matter is closed except for the possibility of a review by a governors' panel (see Part 3).

Complaint about the Headteacher

2.14 If the complaint is about the Headteacher then the complaint form will be submitted directly to the Chair of Governors. Unless the complaint is about the Headteacher, **the Chair of Governors will not consider the complaint unless the Headteacher has had the opportunity to seek to resolve the matter first.**

Complaint about the Governors

2.16 If the complaint is against the chair of governors or an individual governor, the complaint should be addressed to the Clerk to the Governing Body who will arrange for the complaint to be heard by the Vice Chair or another member of the governing body and then a committee of members of the governing body if it progresses to the next stage.

2.17 If the complaint is against the entire Governing Body or complaints involving both the Chair and Vice Chair, it should be sent to the Clerk, who will determine the most appropriate course of action. This will depend on the nature of the complaint. This may involve sourcing an independent investigator to complete the investigation and co-opted governors from other schools to hear any complaint that may progress to the next stage.

Stage 3 – Referring a formal complaint to a Governors' Panel

The procedure

3.1 Where the complainant considers that the Chair of Governors' written response does not resolve the complaint, the complainant may ask the Clerk to convene a Panel of Governors who have had no prior involvement with the complaint (or the issues which led to the complaint) to review the Chair's response. The complainant must complete, and submit to the Clerk, a Review Request Form (available to download from the school website). S/he should do this within **10 school days** of the date of issue of the letter giving the decision on the complaint. This form is structured in a way that helps ensure that the reasons for requesting a review can be readily understood, and that contact information is recorded and available to those who might need it.

3.2 If emailing, the complainant should take care to ensure that s/he has the official email address for the Clerk and that s/he uses this, it can be obtained from the school office. In the subject field of the email, the complainant should write, 'Complaint Review Request'. If delivering or posting a letter, the complainant must address it to the Clerk at the school address and write 'Complaint Review Request' on the envelope'. The Clerk should record the date the request for review is received and acknowledge the request for review within 3 school days.

3.3 If the complainant requires assistance in articulating the need for a review then support may be provided by those identified as able to offer help in part 2 of the guidance (page 8 above). Again, it is not for those supporting the complainant to comment on the merits or otherwise of review, but rather to help the complainant articulate their position to the Governors' Panel through the Review Request Form.

3.4 The governors' panel will only consider requests for review outside the 10 school working days time frame in exceptional circumstances. These might include:

- the reasons for a review not being known to the complainant within 10 school working days;
- the complainant needing to delay making their request for review because they needed the time to collect evidence that could not have been gathered during the first 10 school working days;
- the complainant not having been able to request a review within 10 school working days because of being abroad or being incapacitated.

3.5 The review will be based on the information supplied in the Review Request Form. And will usually consider the following:

- the complainant's view that not all aspects of the complaint have been addressed;

- the complainant's view that not all available evidence has been considered;
- the complainant's view that not all relevant witnesses have been interviewed;
- the complainant's view that the decision has not been adequately justified in the Chair's decision letter;
- the complainant's view that the decision has not been adequately explained.

The review will not review any new complaints at this stage. New complaints must be dealt with from stage 1 of the procedure.

3.6 The review process cannot be used to consider cases where the complaint was not dealt with in accordance with published time-scales. That would require a fresh complaint to be made.

3.7 Whilst normally the governor's panel will consider the review on the basis of written representations only, the governors will consider a face-to-face review if this is requested by the complainant. In this event a suggested agenda for the review meeting is set out at Appendix 5.

If the complainant is invited to attend the meeting, they may bring someone along to provide support but not represent them. Neither party should have legal representation. Representatives from the media will not be permitted to attend.

The Clerk will confirm and notify the complainant of the date, time and venue of the meeting.

Any written material relating to the complaint, will be circulated to all parties at least five school days before the meeting. 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.

The meeting will be held in private.

Composition of Review Panel

3.8 The Clerk will convene a Review Panel comprising 3 or 5 members who have had no prior involvement with the complaint or the causes of the complaint. Members of the Review Panel will elect a chair from among themselves and they will use a simple majority vote to do so. If there are fewer than 3 school Governors available the clerk will source any suitably skilled and independent Governors from another school's Governing Body.

3.9 An LA adviser may be invited to the meeting, at the discretion of the governors, to give procedural advice only.

Convening the Review Meeting

3.10 The Clerk will liaise with all the Review Panel members to propose, and to agree, a date, time and venue for the review. This is most likely to be at the school but the Clerk should ensure that the meeting will be in an appropriate environment i.e.

- there will be a sufficient number of tables and chairs and that these will be suitable for use by adults;
- where governors have agreed a face-to-face review the size of the room will be conducive to constructive discussion;
- the meeting will not be disturbed;
- the confidentiality of proceedings can be protected.

3.11 The Governing Body is mindful of the challenges that volunteer governors can encounter in finding time to prepare for a review and in finding a date and time when all members are available. The Governing Body has decided that it is more preferable to allow sufficient time for the process than it is to set a deadline that may be all too easy to miss. The Governing Body therefore has decided that a Review Panel should meet within, what the Governing Body considers to be, **the reasonable time frame of 20 school working days**, starting from the day when the request for a review was received, or the next school day if that was not a school day. If there are exceptional reasons why there is slippage to the timescales laid down, the clerk will explain the reasons for this to the complainant in writing.

Further Written Representations to the Review Panel

3.12 Prior to the meeting of the Written Review Panel, the Clerk will seek any further written representations from the complainant concerning the reasons why the matter should be reviewed. The complainant will have 5 school working days to provide this information. The Clerk will supply this information to the Chair of Governors who will have 5 school days to submit any comments to the Panel. The Panel should have 5 clear school working days to consider all the information in advance of the meeting. The information to be sent by the Clerk to the Review Panel should comprise the following:

- The original completed complaints form;
- The response to the complaint from the Headteacher and/or the Chair of Governors;
- The completed Review Request Form;
- Any additional written representations from the Chair of Governors or the complainant

The Review Panel meeting

3.13 The Review Panel meeting will normally be clerked by the Clerk to the Governing Body. Where this is not possible the Chair of Governors will ensure that an alternative suitable person is responsible for the clerking function. The meeting will be held in private.

3.14 At the start of the meeting the Panel will elect a chair who will be responsible for the conduct of the meeting and for liaising with the Clerk subsequently to ensure that all parties receive timely notification of the outcome within 5 school working days of the date of the review meeting.

3.15 The panel will consider objectively the complaint, the Headteachers and/or Chair's response, the reasons set out in the Review Request Form, and any further written representations from the Chair or complainant. It will then decide whether the response to the complainant has been fair and reasonable in the circumstances. The Review Panel must take care to ensure that it does not favour one side or the other for any reasons other than those arrived at through an objective assessment of all the evidence.

Conclusions and Recommendations

3.16 The Review Panel must come to a conclusion as to whether the request for a review was justified in identifying alleged shortcomings in the investigation of the complaint by the Chair of Governors. The committee can uphold the complaint in whole or in part, or dismiss the complaint in whole or in part. Because the review is not an appeal, the Review Panel cannot reverse the earlier decision of the Chair of Governors. But it can make any recommendations that it sees fit that can be taken to resolve the complaint. Such recommendations might include:

- an apology;
- a re-consideration of an earlier decision;
- informing improvements within the school;
- improving the effectiveness of the complaints procedure;
- a review of a policy or a procedure or a recommendation to change the school's systems or policies or procedures, or
- a fully explained decision that no further action is necessary or justified.

Communicating the Outcome

3.17 The matter should remain confidential. The Clerk will promptly communicate the outcome, and set out the reasons for it, in a letter to the complainant, the outline of which will have been formulated by the Review Panel in the meeting. The final version will be agreed and signed by the Chair of the Panel. **It is essential that the review decision letter is**

sent to the complainant and where relevant the person complained about and the Chair at the same time. This will be in the form of an email or letter. Whilst the letter should avoid unnecessary detail, there should be sufficient information to demonstrate that the review was considered in full, provide an explanation of the decisions taken and include details or any actions or recommendations that will be taken to resolve the complaint.

3.18 A written record will be kept of the complaint. Correspondence, statements and records relating to the complaint will be filed confidentially. The actions taken as a result of the complaint will be recorded (regardless of whether they are upheld).

3.19 The issue of the review decision letter concludes the school complaints process and the school will not enter into any further correspondence with the complainant.

The information in paragraph 3.20 about redress beyond the school must be included in the panel response letter.

3.20 Beyond the school complaints process, any person may complain to the Secretary of State for Education that the governing body of a maintained school has acted either unlawfully or unreasonably. 3.21 The Department for Education is unlikely to re-investigate the substance of the complaint or overturn any decisions made. Their interest is likely to be restricted to whether due process has been followed correctly and that education legislation and statutory policies connected with the complaint have been adhered to and that the school has not acted unlawfully or unreasonably.

More information is available at www.education.gov.uk/contactus

Anyone can raise a complaint about a maintained school or a member of staff to the DFE, but the DFE advises complainants that local procedures should be concluded before submitting their complaint to them.

The exceptions to this include when:

- children are at risk of harm;
- children are missing education;
- a complainant is being prevented from having their complaint progress through the published complaints procedure;
- the DFE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

Appendix 5 - Informal Concern or Complaint Log

Please complete and attach any emails or records of conversations.

Date:	Pupil Name	Name:
Time:	Year Group	Relationship
Conversation	Telephone Call	Email
Details		

Official use

Received by:	
Date acknowledgement sent:	
Complaint referred to:	
Date:	

FOLLOW UP ACTIONS & ACTIVITIES	BY WHOM?

APPROPRIATE ACTION HAS BEEN TAKEN TO RESOLVE THE CONCERN/ COMPLAINT	Y / N
RECOMMEND CHANGES TO THE SCHOOL'S SYSTEMS OF PROCEDURES SO THAT FUTURE PROBLEMS OF A SIMILAR NATURE DO NOT REOCCUR	Y / N
IS THE COMPLAINT/ CONCERN BEING ESCALATED TO STAGE 1 OF THE FORMAL PROCEDURE?	Y / N
FOLLOW UP LETTER SENT	Y / N
LOGGED IN COMPLAINTS FOLDER	Y / N

Appendix 6 - Formal Complaint Form

Please complete and return to the school. Staff will acknowledge receipt and explain what action will be taken.

SCHOOL NAME	LEIGHTON PRIMARY SCHOOL
Your name:	
Pupil / Student's name (if relevant):	
Pupil's year group/ Class (if relevant):	
Your relationship with the Pupil/Student (if relevant):	
Your address:	
Email address:	
Telephone number:	Day time: Evening:
Please give details of your complaint including dates and times:	

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

Official use

Received by:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix - Frequently Asked Questions

What if a formal complaint is made about a governor or the chair? The complaint should be passed through to the clerk who will arrange for an investigation. There is opportunity for the complainant to refer the matter to a Review Panel where the complainant is dissatisfied with the investigation response.

What if the complainant seeks support from a governor or governors? Governors must not involve themselves in matters that are likely to lead to formal complaint. Where a complainant raises their complaint with a governor who is not the Chair (or the Vice-Chair if the complaint is about the Chair), that governor must decline to discuss it and direct the complainant to the Chair, Vice Chair or the Clerk. A governor receiving written material about a complaint must forward it to the Chair, Vice-Chair or Clerk without comment.

What if the complainant wants to make a complaint on behalf of other people's children? The Governing Body will not accept complaints about other people's children since to do so may well compromise the position of the parents/carers of those children who may have a different view of the matter complained of.

What if the complainant makes reference to the complaint on social media? The Chair of Governors should contact the complainant to advise him/her that the complaint is a confidential matter and neither those investigating the issues, nor those who may be investigated use social media in this way. Comments published on social media may be prejudicial to the fair investigation of the issues under consideration, and the Governing Body may decline to progress a complaint while unhelpful comments remain on social media.

What if the complainant contacts the Press while the complaint is being investigated? Similarly, the Chair of Governors should contact the complainant to remind him/her of the confidential nature of the process and the potential prejudice to fair investigation that can result from media involvement.

What if the complainant contacts their MP? The school will not conclude the complaints procedure just because a complainant contacts their MP. MPs are normally conversant with school complaint policies and will usually point the complainant in that direction. Where the MP contacts the school they will be advised of the relevant process and, if the complainant wishes, of the outcome of the complaint at the end of the process.

What if the parent or school asks for the support of the Local Authority? The Local Authority has no formal or statutory role in responding to complaints which must be directed to the school. The Local Authority may be involved in a complaint only in the following ways:

- In providing impartial procedural advice to Headteachers, Governors and complainants, as necessary, including attendance at Review Panel Meetings when requested by the school;
- Assisting in a mediation role where **both** parties agree that this offers a possible way forward as an alternative to more formal procedures;
- In investigating a complaint on behalf of the Governing Body where there is a need for an independent investigator, either in response to a governor view that it is necessary in a particular case to demonstrate the impartiality of the process, or because the subject matter is sufficiently complex or technical to require a higher level of experience or expertise. The governing body will consider requesting an independent review if the complainant provides sufficient evidence that there would be bias in the proceedings if the review was carried out by a governor.

What if the complainant refers the complaint to Ofsted? Ofsted does not investigate individual complaints, though will record the complaint for information for the lead inspector when the school is next inspected. If there is a safeguarding component to the complaint then Ofsted will usually refer the matter to the Local Authority where it will be reviewed by a Leadership Adviser and/or the Local Authority Designated Officer (LADO), as appropriate.

How should records be kept through the complaints process? There are a number of aspects to this:

- The complainant may wish to take an **audio recording** of meetings, including a recording of the Review Meeting where governors have agreed to a face-to-face review. It should be made clear to complainants that audio recordings are not permitted without the prior consent of everyone who is present. Audio recordings change the character of a meeting and usually increase tension between the parties. Participants in meetings should be aware that modern technology facilitates concealed recording.
- The clerk should **record any action points**, and **decisions**, and **the reasons for them**, should be recorded in a brief and self-explanatory way. These records should be accessible to the complainant if requested. There is no reason why the complainant should not make notes during the meeting if s/he wishes.
- Correspondence, statements and records relating to individual complaints will be kept confidential. No one should share a complaint beyond those who have a role in handling it. In particular, any disciplinary action that might follow the investigation of a complaint is a matter of employment law for employees and of

conduct for governors and volunteers. Subsequent action will not be revealed to the complainant. Individuals have certain rights under the Data Protection Act to see their personal data, including records about them.

- A written record will be kept of all complaints made about the school, along with details of whether they resolved following a formal procedure, or progression to a panel hearing.
- The school will record the actions it takes as a result of complaints (regardless of whether they are upheld).

What if the Chair of Governors considers the complaint to be vexatious? These would be cases where the complainant persists unreasonably with complaints, or who deliberately seeks to make life difficult for school leaders/governors, rather than genuinely trying to resolve the complaint. The school should refer to the **Managing Persistent and Vexacious Complaints Policy**. This is a difficult area, particularly where harassment might be disguised as complaint, and it is recommended that the Chair discuss this with the LA before taking an action.

What if the school receives duplicate complaints? If a duplicate complaint is received at the end of the complaints procedure from a spouse, a partner, a child or a grandparent for example and the complaint is on the same subject, the new complainant will be informed that the complaint and the local school process is concluded. If any new aspects are introduced, these will be investigated.

What if the school perceives there is a complaint campaign? If the school becomes the focus of a complaint campaign and receives large volumes of complaints based on the same subject or from complainants unconnected with the school, the school will either send a template response to all complainants or publish a single response on the school website that is signposted in writing to all complainants involved.

Serial and unreasonable complaints

The school is committed to dealing with all complaints and requests for information 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 and threatening.

If, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied and attempts to reopen the same issue, they will be informed that the procedure has been completed and that the matter is now closed. Correspondence about a complaint will not be viewed as 'serial' or 'persistent' until the complaint process has concluded, unless our published serial complaint criteria applies.

The school has adopted a policy for managing persistent of vexatious complaints. This is published on our website and is available on request from the school office.

The school will never take the decision to stop responding lightly and will only do so in the following circumstances:

- Every reasonable step has been taken to address the complaint;
- The complainant has been given a clear statement of the school's position and aims;
- The complainant contacts us repeatedly, making substantially the same points each time;
- The complainant's emails, letters or telephone calls are often or always abusive or aggressive;
- They make insulting personal comments about or threats towards staff;
- The school has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience.

The school will not stop responding just because the complainant is difficult to deal with or asks complex questions. The school will act reasonably and consider any new complaint and we recognise that anybody has the right to raise a new complaint at any time.

Communication Strategy

In exceptional circumstances the school reserves the right to implement a tailored communication strategy if an individual's behaviour is causing a significant level of disruption. For example we can:

- restrict the individual to a single point of contact via an email address;
- limit the number of times they can make contact.

Regardless of any communication strategy, the school will provide parents and carers with the information they are entitled to under The Education (Pupil Information) Regulations 2005.

Barring from school premises

In additional exceptional circumstances the Headteacher may make the decision to bar an individual from entering school premises. In such circumstances advice from the School Governors or Local Authority will be taken before implementing a ban.

APPENDIX 3 - Issues outside of the scope of the complaints policy

Issue	Who to contact	Legislation, policy/procedure (references are generic and may not match the title of the school's own documents)
<p>Complaint about an admission to school</p> <p>School reorganisation proposals</p>	<p>Chair/Clerk in Foundation and Voluntary Aided schools</p> <p>Local Authority in community and voluntary controlled schools</p> <p>Local Authority or Diocese</p>	<p>Admissions and Admissions Appeal Procedure</p> <p>For information, view the Local Authority website</p>
<p>Complaint about a Pupil Exclusion</p>	<p>Clerk to the Governing Body if the exclusion is over 5 days</p> <p>Local Authority Inclusion Officer or relevant member of the Specialist Teaching Service</p>	<p>Rights to make representations to the Governors' Discipline Committee about a fixed period exclusion vary according to the length of the exclusion. There is a right of appeal to governors if the pupil is permanently excluded with a further right of review by an Independent Panel.</p>
<p>Allegation that a child has been harmed</p>	<p>Principal/Headteacher or Chair if the complaint relates to the Principal/Headteacher</p> <p>Local Authority Leadership Adviser.</p> <p>Local Authority Designated Officer (LADO)</p>	<p>DFE procedures – 'Keeping Children Safe in Education'</p>
<p>Special Educational Needs, content of or failure to maintain an Education,</p>	<p>Principal/Headteacher</p> <p>Local Authority</p> <p>The Local Authority Statutory Assessment and Resources Team</p>	<p>Local Authority procedures, with appeals made to the Special Educational Needs and Disability Tribunal.</p>

Health and Care Plan		
Services provided by an external contractor	Service Manager	Service provider's procedure
Staff capability (competence) Staff conduct Staff grievances	Headteacher, or Chair of Governors if the complaint relates to the Headteacher	Staff Capability Procedure Staff Disciplinary Procedure. Complainants will not be told the details of any disciplinary action taken against staff, but will be informed that the matter is being addressed Staff Grievance Procedure
Whistleblowing	Designated staff	School Whistleblowing Procedure

APPENDIX 4 Sample acknowledgement letter from Head/Chair of Governors

ISSUED ON SCHOOL HEADED PAPER

[DATE/HEADER etc.]

I am writing to acknowledge receipt of your complaint dated [INSERT DATE] that was received on [INSERT DATE]. I will be investigating this complaint and will write to let you know the outcome. You should expect me to have issued my response to you by [INSERT DATE THAT IS 10 SCHOOL DAYS FROM DATE OF RECEIPT].

As a first step, I will be making contact to arrange a meeting with you to:

- check my understanding of what the complaint is about;
- check whether anything in the Complaint Form can be withdrawn;
- check whether anything might be added to what is written in the Complaint Form;
- check whether any evidence is available that was not referred to in the Complaint Form;
- establish what would be an acceptable outcome for you;
- discuss whether there is anything that might help resolve matters without recourse to the Complaints Procedure, for example, through mediation.

Wherever possible, I am committed to ensuring the timescales within the Governing Body's Complaints Procedure are adhered to. The person responsible for the administration of the complaint is.....who is clerk to the governors. His/her role is to ensure that the timescales are being followed and to update you on the progress of your complaint.

This is a confidential matter and I want to reassure you that I will not be discussing this with anyone other than you and those I need to see as part of the investigation. Please could I ask you likewise to keep this matter confidential, so the investigation is not prejudiced in any way (for example through the use of social media)? If the complaint requires more time to consider than the standard 10 school days laid out in the policy, I will let you know, indicating when you can expect to hear from me.

Yours sincerely

[INSERT NAME]

Headteacher/ Chair of Governors

APPENDIX 5

Sample agenda for face-to-face meeting between complainants and governors' review panel at stage 3 (if adopted by the governing body)

Meeting of Panel to consider any written representations (Parent and Investigating Governor join the meeting)	Panel, Clerk, LA Adviser
Introductions – Chair of Panel	Panel, Clerk, LA Adviser, Investigating Governor, Parent
Introduction to the Stage 2 report by the Investigating Governor	Panel, Clerk, LA Adviser, Investigating Governor, Parent
Questions to Investigating Governor about the Stage 2 report <ul style="list-style-type: none"> ▪ Panel ▪ Parent 	Panel, Clerk, LA Adviser, Investigating Governor Parent
Parental Representations	Panel, Clerk, LA Adviser, Investigating Governor Parent
Questions to the Parent <ul style="list-style-type: none"> ▪ Panel ▪ Investigating Governor 	Panel, Clerk, LA Adviser, Investigating Governor Parent
Closing remarks by the Investigating Governor	Panel, Clerk, LA Adviser, Investigating Governor Parent
Closing remarks by the Parent (Parent and Investigating Governor leave to allow the governors to make decisions)	Panel, Clerk, LA Adviser, Investigating Governor Parent
Panel's conclusions and recommendations	Panel, Clerk, LA Adviser