



Policy status

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Head teacher (signature if required):		Date:	
Chair of governing body (signature if required):		Date:	

Introduction

- Governing bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school.
- Most complaints and concerns can be resolved informally.
- A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service or a facility at the school. This policy refers to that person as the “complainant”.
- The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.
- At first it may be unclear whether a complainant is asking a question or expressing an opinion, rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.
- A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to act.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.

This policy is based on the [Department for Education’s “Best Practice advice for School Complaints Procedures 2016”](#).

Our Approach

All members of staff work very hard to ensure that each child is happy at school and makes good progress. They will always want to know if there is a problem so they can resolve it.

At Preshute Primary School we aim to be fair, open and honest when dealing with any concern and or complaint, and to resolve it in a positive and supportive manner through open dialogue and mutual understanding.

Careful consideration will be given to all concerns and complaints, and we will deal with them as swiftly as possible, whilst providing sufficient opportunity for any concern or complaint to be fully discussed. In doing so, our procedures follow the framework principles in Appendix 3.

Complaints – General information

The difference between a concern and a complaint

A ‘concern’ may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A ‘complaint’ may be generally defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions) – see Appendix 1.

Timeframe

Complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained about will only be considered in exceptional circumstances.

Safeguarding

Wherever a complaint indicates that a child’s wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school’s safeguarding and child protection policy, which is on the school’s website and also available from the school office.

Confidentiality

All concerns and complaints will be dealt with by the school confidentially for those involved, and we expect complainants to respect and observe confidentiality too.

Social media

In order for complaints to be resolved as quickly and fairly as possible, we request that complainants do not discuss complaints publicly via social media, including Facebook and Twitter.

Staff disciplinary and capability proceedings

If at any formal stage of the complaint it is determined that staff disciplinary or capability action is needed to resolve the issue, the details of the action taken will remain confidential to the head teacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in, or receive details of, the proceedings.

Concerns and complaints – the Stages

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, we recognise that there are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked as outlined in this policy.

There are three stages to our procedures to address concerns and complaints:

INFORMAL

Stage 1 – initial contact with school

FORMAL

Stage 2 – referral to (usually) head teacher for investigation and consideration

Stage 3 – formal investigation (if required) and consideration by governing body

These stages are described in more detail below. The flowchart in Appendix 4 provides a summary of the complaints process.

Stage 1 - Initial Contact with the School

Many concerns can be dealt with informally when they are first made known to the school. In most cases we would expect the class teacher to be the first point of contact.

If a parent/carer has any concerns about Preshute Primary School or the education we are providing, they should contact the class teacher at the earliest opportunity to make an appointment to discuss the situation. This ensures that:

- we allocate sufficient time to listen carefully to your concerns
- lessons can start on time and are uninterrupted.

If for any reason the teacher is unable to meet with the parent, s/he will either:

- arrange an alternative appointment
- ask another suitable member of staff to informally meet with the parent/carer.

The member of staff dealing with the concern should make sure that the parent/carer is clear as to what action (if any) or monitoring of the situation has been agreed.

This stage should be completed speedily and concluded in writing with appropriate detail.

If after speaking to the class teacher you are still concerned, please discuss the matter informally with the head teacher.

Where no satisfactory solution is found at Stage 1, the complainant should be informed that s/he will need to consider whether to make a formal complaint to the head teacher (or chair of governors, as applicable) in accordance with Stage 2.

Note:

- If the class teacher is the subject of the concern then the initial appointment should be made to discuss this informally directly with the head teacher. Please contact the school administrator to make this appointment.
- If the head teacher is the subject of the concern then the initial appointment should be made to discuss this informally with the Chair of Governors.
- Where the first approach regarding **any** concern at Stage 1 is made to an individual governor (by a parent/carer), the correct action would be to refer the complainant to the appropriate staff member and advise the parent/carer about this policy and procedure and where they can obtain a copy. It is important that governors do not act unilaterally on an individual complaint, outside the formal procedure, or be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2 - Formal Consideration of a Complaint

In order to formalise a complaint, this must be done within five school days of the initial meeting in Stage 1. The complaint may be made in person, by telephone, or in writing.

Who to contact (and how) about a formal complaint

Where the complaint is made in writing

To assist in this process, the complainant should complete and attach the complaint form (see Appendix 2). If not, the questions on it must be addressed in the covering letter.

The letter should be addressed to the head teacher **except**:

- if the complaint is about the head teacher, it must be addressed to the Chair of Governors; and
- if the complaint is about a governor, it must be addressed to the Clerk of the Governing Body.

Please mark the envelope (or if sent by email, please insert in the subject box) “For Immediate Attention”.

Where the complaint is made in person or by telephone

Where the complaint is made in person or by telephone, the complainant should contact the head teacher except:

- if the complaint is about the head teacher, the complainant should contact the Chair of Governors; and
- if the complaint is about a governor, the complainant should contact the Clerk of the Governing Body.

The recipient of the complaint (if made in person or by telephone) should take notes of the complaint. It is recommended that the complaint form in Appendix 2 is used as a ‘prompt’ to obtain the necessary information.

Acknowledgement of formal complaint

Whether the formal complaint is made in person, by telephone or in writing, the complaint must be acknowledged by the recipient in writing within 2 school days of receipt. **The recipient of the complaint must record the date the complaint was received.**

Investigation

An investigation will be carried out into the complaint and the way it has been handled by the school. This will include a review of any relevant documentation and information and seeking the views of relevant people, where necessary. The **Investigator** will normally write to you with the outcome of this process within 15 school days of receiving the complaint.

Investigator – usually the Head Teacher

In most circumstances, the **Investigator** will be the head teacher. However:

- where the complaint is about the head teacher, the Investigator will be the Chair of Governors; and
- where the complaint is about a governor, the Investigator will be another nominated governor.

Investigation process

The Investigator will comply with the advice and best practice for the conducting of investigations and interviews as set out in the [Department for Education’s “Best Practice advice for School Complaints Procedures 2016”](#) or any later publication by the DfE. Particular care will be taking when interviewing a child; the Investigator will normally talk to a pupil only with a parent or carer present, in accordance with DfE best practice.

The Investigator should consider providing an opportunity to meet with the complainant to supplement any information previously provided.

If the complaint is against a member of staff, the Investigator should talk to the staff member against whom the complaint has been made, and the complaint will be dealt with under the school's internal, confidential procedures.

If necessary, the Investigator should interview witnesses and take statements from those involved.

The Investigator should keep reasonable written records of meetings, telephone conversations and other documentation.

Investigator's response

Once all relevant facts have been established, the Investigator should provide a written response to the complainant. This may be to the effect that:

- There is insufficient evidence to reach a conclusion so the complaint cannot be upheld
- The complaint is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school will be taking but confidential details of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are now being followed which are strictly confidential (eg where staff disciplinary procedures are being followed).

The written response should include a full explanation of the decision and the reasons for it.

The Investigator may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

Stage 2 should be completed within 15 school days of receiving the complaint. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the head teacher should write to the complainant giving a revised target date.

The formal Stage 2 response must also provide the complainant with details of how to progress the complaint to Stage 3 if s/he is not satisfied with the response, and providing them with details of the Clerk to the Governing Body.

Stage 3 - Consideration by the Governing Body

If the complainant wishes to appeal a decision at Stage 2, or they are not satisfied with the action in relation to the complaint at Stage 2, the complainant is able to appeal this decision.

Who to contact (and how)

The complainant should write to, telephone or meet with the Clerk to the Governing Body (see contact details below) no later than five school days after receipt of the written response at the end of Stage 2, briefly outlining the content of the complaint, and requesting that a complaints appeal panel (CAP) is convened. The complainant should

provide a copy of the written complaint originally submitted, and indicate which matters remain unresolved.

Establishing a complaints appeal panel (CAP)

In establishing a CAP, the Clerk to the Governing Body, the Chair of the CAP and the panel members will comply with the advice and best practice for the establishment of CAPs and the conducting of CAP hearings as set out in the [Department for Education's "Best Practice advice for School Complaints Procedures 2016"](#) or any later publication by the DfE.

Governing bodies are advised to establish a CAP drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, the governing body will, where possible, try and ensure that it is a cross-section of the categories of governors, and sensitive to issues of race, gender and religious affiliation. The head teacher should not serve on the CAP. If the Chair of Governors has had any prior involvement in the complaint, then s/he must not sit on the CAP.

Role of the Clerk to the Governing Body

The Clerk to the Governing Body will fulfil the role of organising the time and date of the CAP hearing, inviting all the attendees, collating and distributing all the relevant documentation 5 school days in advance of the hearing, recording the proceedings in the form of minutes, and circulating these and the outcome of the hearing.

Who will attend the CAP hearing

In addition to the CAP panel members, the following parties to the complaint will be invited to attend the hearing:

- The complainant
- The Investigator of Stage 2
- Where the complaint involves a member of staff, the staff member who is the subject of the complaint.

The complainant is able to bring a companion with them to the hearing. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them. The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the end of the hearing any party feels that legal action is necessary, please see the **Contact details** section below in this policy.

Any party to the complaint may call witnesses and produce relevant documentation. However, if a party wishes to introduce previously undisclosed witnesses or evidence, it is in the interests of natural justice to adjourn the hearing so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is good reason.

If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18.

Date of CAP hearing

The date and time of the hearing should be convenient to all parties to the complaint, within reason.

The hearing should normally take place within 15 school days of the Clerk to the Governing Body receiving the complainant's request to appeal a Stage 2 decision. However, if this timetable proves impossible to meet due to the complexity of the complaint, then the Clerk to the Governing Body or Chair of the CAP should write to the complainant and the Investigator of Stage 2 (and any staff member who is the subject of the complaint, who will also be attending) giving a revised target date.

Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing body who will notify the Clerk to the Governing Body of their decision. Where an entirely independent panel is required, timescales may be affected while the school finds appropriate individuals for the review.

Conducting the hearing properly but as informally as possible

The aim of the hearing should be to resolve the complaint and achieve reconciliation between the school and the complainant.

It is the responsibility of the Chair of the CAP to ensure that the hearing is properly conducted (see the **Checklist for CAP hearing** below). However, the proceedings should be as informal and welcoming as possible.

In particular, the Chair of the CAP should note the following:

- Many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing
- Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The CAP should respect the views of the child/young person and give them equal consideration to those of adults
- If the child/young person is the complainant, the CAP should ask in advance if any support is needed to help them present their complaint
- Where the child/young person's parent is the complainant, the CAP should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised, however, that agreement might not always be possible if the parent wishes the child/young person to attend a part of the hearing which the CAP considers not to be in the child/young person's best interests
- The welfare of the child/young person is paramount

Checklist for CAP hearing

- The hearing should be as informal as possible (see above)
- Witnesses are only required to attend for the part of the hearing in which they give evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by the witnesses
- The Investigator of Stage 2 may question both the complainant and the witnesses after each has spoken
- The Investigator of Stage 2 is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Investigator of Stage 2 and the witnesses after each has spoken.
- The CAP may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Investigator of Stage 2 is then invited to sum up the school's actions and response to the complaint.
- The parties to the complaint leave together, after which the CAP decides on the issues.
- The Chair of the CAP explains that both parties will hear from the CAP within 5 school days of the CAP hearing by way of a written statement, outlining the decision of the CAP with reasons.

Note: if a member of staff, who is also the subject of the complaint, attends the CAP hearing, s/he will also have the right to call witnesses and produce evidence – and question the witnesses and evidence of other parties to the complaint – to present a final statement, and receive a copy of the CAP's decision.

Decisions by the CAP

The CAP can make the following decisions:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

This is the final stage at which the school will consider the complaint.

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU

also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

Please be aware that the SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

The Schools Complaint Unit (SCU) can be contacted via: -

- National Helpline 0370 000 2288
- online at: www.education.gov.uk/help/contactus
- by writing to the Department for Education, School Complaints Unit, 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD

Ofsted will also consider complaints about schools.

Unreasonable (vexatious) complaints

The school will try to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will regard the complainant as a serial and persistent complainant and the governors will follow the Vexatious Correspondence and Complaints Policy.

Contact details

General school enquiries (suitable for setting up informal meetings)

School Office
Preshute Primary School
High Street
Manton
SN8 4HH

Telephone 01672 512754

Email: admin@preshute.wilts.sch.uk

If your enquiry is urgent, please state this and to whom you wish to speak.

Head teacher – Mrs Claire Graham

Address (see above)

Telephone (see above – please state that you wish to speak to the head teacher)

Email: Head@preshute.wilts.sch.uk

Chair of Governors – Mrs Rachelle Upton

Address (see above)

Telephone (see above – please state that you wish to speak to the Chair of Governors)

Email: RachelleU@preshute.wilts.sch.uk

Clerk to the Governing Body – Mrs Laurien Carter

Address (see above)

Telephone (see above – please state that you wish to speak to the Clerk to the Governing Body)

Email: LaurienC@preshute.wilts.sch.uk

Other Governors

If you wish to contact any other governor, please contact the school office in the first instance (details above) to obtain details and/or make an appointment. Details of current governors are on the Preshute Primary School website –

<http://www.preshute.wilts.sch.uk/Who-we-are/Governors>

Appendix 1 – Complaints outside the scope of this policy

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised directly with local authorities (Wiltshire Council)</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.</p>
<ul style="list-style-type: none"> • Subject Access Requests and Freedom of Information Requests 	<p>Please refer to the school's Data Protection and Freedom of Information policy documents</p>

Appendix 2 - Formal Complaint Form

Please use this form to accompany your letter when instigating a formal complaint – see Stage 2. Use a separate sheet, if necessary. You may also complain in person or by telephone.

Your name:
Pupil's name and year group:
Your relationship to the pupil:
Address: Postcode: Day time telephone number: Evening telephone number: Mobile telephone number:
Please give details of your complaint to allow the matter to be fully investigated (including dates, names of witnesses).
Please give details of action taken so far – ie how have you already taken to try and resolve your complaint; staff members you have spoken to; their response and solutions offered

Please explain why this was not a satisfactory resolution. (Please include what actions you feel might resolve the problem at this stage.)

Are you attaching any paperwork? If so, please give details.

Signed:

Date:

Official use

Date received:

Date acknowledgement sent:

By whom:

Complaint referred to:

on date:

Appendix 3 – Framework principles for dealing with complaints

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be simple to use and understand
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- Address all points of issue, providing an effective response and appropriate redress, where necessary
- Provide information to the school's senior leadership team so that services can be improved.
- All concerns and complaints will be dealt with having regard to the Data Protection Act 2018 and the General Data Protection Regulation, the Freedom of Information Act 2000 and the Equality Act 2010.

Appendix 4 – Flowchart Summary of Concerns/Complaints Procedure

Stage 1 – Informal – Initial Contact with School

Complaint/concern at school level – You should try to resolve your concerns with a member of staff (usually the class teacher).



Does this resolve the complaint?



Yes. No further complaints action is required.



No -You should discuss your concerns with the head teacher (if not already approached (or the subject of the complaint))



Does this resolve the complaint?



Yes. No further complaints action is required



No - Stage 2 – Formal

You must state in person, by telephone or in writing, that your concerns have not been resolved and that you would like to start the formal stage of the Complaints Procedure.



Receipt of complaint acknowledged in 2 school days



Complaint is investigated by head teacher **or** (if complaint relates to the head teacher) the Chair of the Governing Body **or** (if the complaint relates to a governor) a nominated governor



You will be informed of the outcome of the investigation within 15 school days of receiving the complaint.



Does this resolve the complaint?



Yes. No further complaints action is required



No - Stage 3 – Formal

If you wish to take your complaint to Stage 3 of the procedure you must notify the Clerk to the Governing Body stating that you wish to proceed to Stage 3 within 5 school days of the completion of Stage 2.



Complaints Appeal Panel (CAP) meets to consider your complaint usually within 15 school days. Any evidence must be submitted to the CAP in advance of the hearing. You will also be invited to attend the CAP hearing to explain the nature of your complaint.



CAP will make a final decision will write to you within 5 school days



Does this resolve the complaint?



Yes. No further complaints action is required



No - You can write to the Secretary of State if you feel the school has acted unlawfully or unreasonably.