



# Complaints Policy

Approved by the governing body on: November 2022

To be reviewed on: November 2023

Signed on behalf of the governing body: *Mary Morgan*

NB. This guidance will be retained for a period of 7 years from replacement.

Crossflatts Primary School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage. The Headteacher will be the first point of contact when following the complaints procedure.

Every well governed and well managed school, will from time to time have to deal with complaints from parents. Governors will know that most parental concerns and complaints are resolved informally by the school staff and Headteacher. Comparatively few complaints lead to a formal process but some do and therefore, governors must be sure that informal and formal procedures are in place, understood and followed.

## **Crossflatts Primary School Complaints Policy**

### **What action should the Governing Body take?**

The Governing Body:

1. Has approved and adopted this **Complaints Procedure**.
2. Appoint a **Complaints Committee** of two or three governors when necessary. Staff and teacher Governors are advised not to serve on the Committee due to the potential for a conflict of interest.

Note: Governors serving on any Staff Discipline and Dismissal Committee and / or any Appeals Committee are advised not to sit on the Complaints Committee. It is best if governors serving on any Pupil Discipline Committee do not also serve on the Complaints Committee but this may be unavoidable where insufficient governors are available.

- It may be useful, where possible, to appoint several governors from which to choose two or three for a particular complaint. **No governor who has any prior involvement in the matter being complained about should serve on the Committee dealing with that complaint.**
- The membership of this committee will be appointed if and when a Complaints Committee is required.
- The Governing Body will give the Complaints Committee full delegated powers to investigate and make decisions about complaints which are referred to it.
- All the usual rules about governors' meetings apply, including declarations of interest. Minutes of the Committee meetings should be confidential and refer to the person making the complaint, the pupil, or anyone involved, by initials rather than by name.

### **How does the complaints procedure work?**

The procedure is based on informal and formal stages. The informal stage involves trying to resolve the matter as quickly as possible firstly with the class teacher or the Head Teacher (this must be tried first). If the complainant is dissatisfied with the outcome or the matter cannot be resolved, the matter be referred to the formal stage with the Head Teacher or the Governing Body.

Where a complaint is initially sent to the Chair of Governors they should refer the matter to the Head Teacher for it to be dealt with under the procedures below.

### **Exceptions**

There are two exceptions to the procedure above:

1. A complaint may appear to be sufficiently serious that it should be referred straight through to the formal procedure.
2. A complaint may clearly relate to breaches of discipline by a staff member, in which case this procedure would not apply and personnel advice should be sought.

## *Informal Stage*

### **Where to complain?**

1. Appropriate member of staff – a response to the complaint must be given within 10 working days.

- Parents should be given the opportunity to discuss their concerns with an appropriate member of staff, such as the class teacher.
- In many cases parents' concerns and complaints are resolved at this early part of the informal stage.
- If the concern remains unresolved the staff member should advise the parent that they may complain to the Head Teacher.

2. Head Teacher– a response to the complaint must be given within 10 working days.

The Head Teacher should:

- Meet with the person making the complaint and obtain full details of the complaint.
- Discuss this with the member of staff involved.
- Where a complaint concerns a pupil, that pupil should normally be interviewed.
- Ensure written records are kept of all meetings, telephone discussions, and any other relevant documents.
- Consider all the facts and reach a conclusion.
- Write to the person making the complaint giving a full explanation of the decision, the reasons for it and, where appropriate, what action the school proposes to take. The letter should inform the parent that if they are not satisfied with the outcome they may complain to the Chair of the Governing body within a specified period of time. This policy recommends a minimum of ten school days.
- The Head Teacher may choose to delegate this role to the Deputy Head although they must keep the Head Teacher informed of the position.

3. Chair of Governors – a acknowledgement of receipt of the complaint must be given in writing within 10 school days to the complainant. The complainant must be kept informed in writing of the progress the governing body is making at least every 10 school days.

- a) If a complaint has been through stages 1 and 2, the Chair would normally pass the complaint straight to the Complaints Committee unless it is clear that the matter can be immediately resolved.
- b) A complaint against the Head Teacher should be referred straight to the Chair of Governors.
  - This would usually involve the Chair speaking with the person making the complaint and the Head Teacher to ascertain whether or not the complaint can be resolved at this informal meeting.
  - If the matter cannot be resolved and the complaint falls within the scope of this policy, the Chair should then refer the complaint straight to the Complaints Committee.
  - If the Chair has had some prior involvement in the matter which is being complained of they should ask the vice-chair to undertake this role instead of themselves.

### **4. Appeal**

If a complaint has completed the school's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the [online form](#) or in writing to:

Ministerial and Public Communications Division

Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

There are exceptional circumstances outlined below:

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.
- If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.
- If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school or governing board could act in the circumstances.

### *Formal Stage*

The Complaints Committee of the Governing Body deals with any complaint which has reached the formal stage. An acknowledgement of the receipt of the complaint must be given within 10 school days. Thereafter, the Complaints Committee must keep the complainant informed of any actions every 10 school days until the matter is resolved.

The Complaints Committee will:

- 1. Receive the complaint**
- 2. Investigate the complaint**
- 3. Make a decision on the complaint**
- 4. Report the decision of the Complaints Committee to the Governing Body.**

#### **1. Receiving the complaint**

- The Complaints Committee should try to meet as soon as possible after the complaint is received to agree and be clear about what needs to be done and draw up a timetable for doing it.
- The Chair of the Complaints Committee should write to the person making the complaint to:
  - confirm that the committee has received a copy of any written complaint
  - explain that the committee is now dealing with the complaint
  - set out what appears to be the nature of the complaint and to invite the complainant to send any further written information about the complaint
  - set out the committee's timescale for dealing with the complaint
  - invite the person making the complaint to meet the committee to give full details of their complaint, and inform them they may be accompanied by a friend or representative

- set a reasonable deadline for reply by the person making the complaint, and make it clear that if there is no response by this deadline the committee will proceed on the basis of the information it already has.
- If the person making the complaint accepts the invitation to meet the Committee, arrangements should be made to make this as easy as possible. The Committee may wish to consider the most appropriate time and place for the meeting to take place and whether other facilities such as providing an interpreter would be helpful.
- The committee may also write to the person(s) complained of informing them of the complaint and explaining that they will be given the opportunity to give their version of events.

The purpose of all the above is to find out precisely what the complaint is about and to inform the complainant of the procedure and timescale.

## **2. Investigating the complaint**

- The Committee must meet to discuss the complaint and decide what information they need, who they may need to interview in addition to the person(s) complained of and what questions will need to be asked.
- The interviews can proceed with prepared questions followed by other questions if necessary, and the people being interviewed should be asked if they have anything to add. Answers to the questions should be carefully recorded and the people being interviewed should be asked to sign the record of answers.
- The investigation is not a staff disciplinary investigation.
- Following interviews with staff it may be necessary to ask for further information from the person making the complaint.
- The complainant and the person(s) who is the subject of the complaint should be informed if there is any delay in the investigation process.
- When the Complaints Committee is satisfied that it has all the available information it will consider the complaint and all the evidence. Governors serving on the committee should all try to reach an agreed decision and should decide what should be done to resolve the complaint.
- It may be possible for the Complaints Committee to recommend changes to school policies or procedures to prevent the same problem happening again in the future.

## **3. Making the decision**

- The Complaints Committee must make their decision on the basis of the information in their possession.
- They should produce an investigation report which documents their decision. This would need to be produced if the complainant was to refer the matter to the Secretary of State.
- This report will usually be written by the Chair of the Committee.
- The investigation report will be brief and will usually keep the names of the pupil, parents and people interviewed confidential. Its purpose is to:
  - a) Summarise the evidence gathered

- b) Give the decisions made by the Complaints Committee
  - c) Give any recommendations made by the Complaints Committee to prevent a similar problem happening again.
- Where conflicting versions of events have been given it should be clear from the report why one version has been preferred over the other.
- In very few cases it could happen that one of the recommendations is for the Governing Body to hold a formal disciplinary investigation to find out if staff disciplinary action is necessary. In this case the Complaints Committee should seek the advice of the School Governor Service and the school's Human Resources provider before the investigation report is issued to the Governing Body.
- The decisions and recommendations of the Committee should be:
  - a) Sent to the person making the complaint with the information that if the Governing Body's response has failed to satisfy the person making the complaint he or she may complain to the Secretary of State for Education on the grounds that the Governing Body has failed to discharge its statutory duties.
  - b) Sent to the Head Teacher.
  - c) Sent to the person(s) complained of.

#### **4. Reporting the decision**

- The outcome of the complaint should be reported to the Governing Body, for information only, as with any delegated decision.
- The report back should take the form of a paragraph briefly summarising the complaint, the investigation and the outcome. The Committee's recommendations should be given. No names should be recorded.