

<b>South End Junior School</b>	Page 1 of 11
	Issued: 2 March 2022
<b>Complaints Procedure</b>	Review date: Spring 2024
	Supersedes: 4 March 2020
<b>Approved by</b>	FULL GOVERNING BODY/L & M COMMITTEE/HEADTEACHER

## Contents

1. Aims .....	1
2. Legislation and guidance .....	2
3. Definitions and scope .....	2
4. Roles and responsibilities .....	2
5. Principles for investigation .....	4
7. Complaints against the headteacher, a governor or the governing board .....	7
8. Referring complaints on completion of the school's procedure .....	8
9. Persistent complaints .....	8
10. Record keeping .....	10
11. Learning lessons .....	10
12. Monitoring arrangements .....	10
13. Links with other policies .....	10
Formal Complaint Form      Appendix 1 .....	11

## 1. Aims

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

When responding to complaints, we aim to:

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

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

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

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

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

## 2. Legislation and guidance

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

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

## 3. Definitions and scope

### 3.1 Definitions

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

### 3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

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

This policy does **not** cover complaints procedures relating to:

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

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

- School re-organisation proposals
- Curriculum
- Collective worship

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

## 4. Roles and responsibilities

### 4.1 The complainant

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

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly

- › Ask for assistance as needed
- › Treat all those involved with respect
- › Not publish details about the complaint on social media

## **4.2 The investigator**

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

- › Interview all relevant parties, keeping notes
- › Consider records and any written evidence and keep these securely
- › Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

## **4.3 The complaints co-ordinator**

The complaints co-ordinator can be:

- › The headteacher
- › The designated complaints governor
- › Any other staff member providing administrative support

The complaints co-ordinator will:

- › Keep the complainant up to date at each stage in the procedure
- › Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and Local Authority
- › Be aware of issues relating to:
  - Sharing third party information
  - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- › Keep records

## **4.4 Clerk to the governing board**

The clerk will:

- › Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings and ensuring all parties are invited to attend
- › Arrange the complaints hearing
- › Record and circulate the minutes and outcome of the hearing

## **4.5 Committee chair**

The committee 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
- › Ensure the meeting is conducted in an informal manner and is not adversarial

## **4.6 Governing Body Complaints Committee:**

The committee will:

- › Conduct themselves in an independent and impartial manner
- › Be aware that complainants may feel nervous and inhibited
- › Aim to resolve the complaint and achieve reconciliation between the school and the complainant

## 5. Principles for investigation

When investigating a complaint, we will try to clarify:

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

### 5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame 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.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

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

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

### 6.1 Stage 1: informal

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

Complainants should first raise the matter (either in person or by letter, telephone or email) with the teacher most closely concerned to clarify the facts and resolve through discussion. A request for discussion with the Director of Learning for the relevant year group and, following that, Assistant Head, SENCo, or Headteacher may also be desirable before making a formal complaint.

If the complainant is unclear who to contact or how to contact them, they should contact the school office for signposting to the relevant member of staff. The school office can be contacted by telephoning 01933 314611 or emailing [schooladmin@southend-jun.northants.sch.uk](mailto:schooladmin@southend-jun.northants.sch.uk)

The staff member receiving the informal complaint should acknowledge within 3 school days, and investigate and provide a response within 5 school days. The informal stage may involve a meeting between the complainant and school staff as appropriate.

If a concern or complaint is not resolved at the informal stage the complainant may choose to raise a formal complaint by following the procedures below.

### 6.2 Stage 2: formal

Formal complaints can be raised:

- › By letter or email (preferably on the Complaint Form)

- › Over the phone
- › In person
- › By a third party acting on behalf of the complainant

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

If complainants need assistance raising a formal complaint, they can contact the school office. The school office can be contacted by telephoning 01933 314611 or emailing [bursar@southend-jun.northants-ecl.gov.uk](mailto:bursar@southend-jun.northants-ecl.gov.uk)

Upon receipt for a formal complaint the headteacher will:-

- Decide which member of senior leadership team is best placed to deal with complaint or whether the head will investigate themselves.
- Decide if they need to invite the complainant in to a meeting to:-
  - Clarify concerns,
  - Explore possibility of informal resolution.
- Write to or email the complainant (usually within 3 school days) to:
  - Acknowledge the complaint
  - Tell them how school intends to proceed
  - If it is necessary to invite the complainant to a meeting for clarification or exploration of informal resolution, inform the complainant that they may be accompanied to the meeting and that they should inform the school of the identify of their companion in advance.  
*In certain circumstances the school may need to refuse a request for a particular individual to attend any such meeting, eg. If there is a conflict of interest.*
  - If necessary, seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.
  - Give a target date for providing a response to the complaint (target is 10 school days from receipt of complaint but it may be necessary for this to be longer if it is not possible to investigate within this timeframe).
  - Give details of which staff member will be dealing with complaint.
- Conduct an investigation, or arrange for the designated member of the senior leadership team to do so. (See Section 4.2.)
- Keep the complainant up-dated if the headteacher is unable to meet the target date for a response and provide a revised response date
- At the conclusion of the investigation, provide a formal written response within the timeframe stipulated by the school. This response will:-
  - Detail any actions taken to investigate the complaint,
  - Provide a conclusion – giving full explanations of the decision made and reason(s) for it
  - Where appropriate, include details of actions the school will take to resolve the complaint
  - Advise the complainant of how they can escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

### **6.3 Stage 3: submit the complaint to the Governing Body Complaints Committee**

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

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body's Complaints Committee. A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Complaints can be escalated by contacting the clerk to the governing body:

- › By letter or email
- › Over the phone
- › In person
- › Through a third party acting on behalf of the complainant

The clerk will need:-

- Details of the complaint (as set out at Stage 2)
- Details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently
- What they feel would resolve the complaint.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

### **Convening the panel**

The review panel will consist of the first 3 members of the governing body available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 10). The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek independent panel members from elsewhere. We will make sure the governors we source can demonstrate that they are independent and impartial.

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

The complainant must have reasonable notice of the date of the review panel; however the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure. 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.

### **At the meeting**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all

parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

### **The outcome**

The committee can:

- › Uphold the complaint, in whole or in part
- › Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- › Decide the appropriate action to resolve the complaint
- › Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The panel will inform those involved of the decision in writing within 5 school days.

## **7. Complaints against the headteacher, a governor or the governing board**

### **7.1 Stage 1: informal**

#### **7.1.1 Complaints about the headteacher or any member of the governing body**

Complaints made against the headteacher or any member of the governing body should be directed to the Chair of Governors in the first instance. If the complaint is about the Chair of Governors this should be directed to the Vice Chair. Complaints should be marked Private & Confidential and submitted via the school office.

The person dealing with the informal complaint will then:

- Meet with the complainant if appropriate
- Acknowledge informal complaints within 3 school days, and investigate and aim to provide a response within 5 school days.

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

### **7.2 Stage 2: formal**

#### **7.2.1 Complaints about the headteacher or any member of the governing body**

Formal complaints about the headteacher or any member of the Governing body will be dealt with by the Chair of Governors, or Vice Chair if the complaint relates to the Chair of Governors. They will carry out the necessary steps involved when dealing with a formal complaint (see Section 6.2 above), including writing the formal response at the end of the investigation.

### **7.2.2 Complaints made jointly about the Chair of Governors or Vice Chair of Governors, the majority of or entire governing body**

Complaints made jointly about the Chair of Governors or Vice Chair of Governors, the majority of or entire governing body should be directed to the Clerk, via the school office. The Governing body will arrange for an independent investigator to carry out the necessary steps involved when dealing with a formal complaint (see Section 6.2 above), including writing the formal response at the end of the investigation.

## **7.3 Stage 3: review panel**

### **7.3.1 Complaints about the headteacher or any member of the governing body**

If the complainant is dissatisfied with the outcome at Stage 2, following a formal complaint about the headteacher or any member of the governing body, they can escalate the complaint to Stage 3 – a meeting with members of the governing body's complaints committee. The process outlined in Section 6 (6.3) should be followed.

### **7.3.2 Complaints made jointly about the Chair of Governors or Vice Chair of Governors, the majority of or entire governing body**

Following a formal investigation and response by an independent investigator regarding complaints made jointly about the Chair of Governors or Vice Chair of Governors, the majority of or entire governing body, if the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, the Review Panel will consist of a committee of independent governors who will carry out the steps identified at Stage 3 (set out in section 6.3 above).

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

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- › Failed to act in line with its duties under education law
- › Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## **9. Persistent complaints**

### **9.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- › Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- › Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason



- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### **Steps we will take**

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

### **Stopping responding**

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

## **9.2 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## **9.3 Complaint campaigns**

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

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

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

## 10. Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

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

## 11. Learning lessons

The Chair of Governor will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 12. Monitoring arrangements

The Leadership & Management Committee will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. Leadership & Management Committee will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by Business Manager.

## 13. Links with other policies

Policies dealing with other forms of complaints include:

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

## Formal Complaint Form

## Appendix 1

Please refer to the school's complaints procedure and only complete this form if you are raising a Formal Stage 2 Complaint

<b>Your name:</b>
<b>Email address:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b> <i>Please ensure you include relevant dates, times and names of any witnesses.</i>

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

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

**Signature:**

**Date:**