

Athersley South Primary School

Complaints Procedure and Policy for Managing Serial and Unreasonable Complaints

Approved by Athersley South Primary School Head Teacher

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Head Teacher

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Date

Approved by Athersley South Primary School Chair of Governors

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Chair of Governors

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Date

INTRODUCTION

Section 29(1) of the Education Act 2002 requires that the governing body of a maintained school must have in place a procedure for dealing with complaints. The nature of the complaint can relate to any aspect of the school, employees or any community facility or service that the school provides.

It is in everyone's interest that complaints are resolved as quickly as possible within a clearly defined procedure.

All school staff at Athersley South Primary School should be aware of the school complaints procedure and should be able to give information and assistance to parents on how to raise a concern or make a formal complaint.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Athersley South Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, we will use this complaints procedure. Therefore, in this document any reference to a parent also includes any other person making a complaint.

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 defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

Anonymous Complaints

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

Timescales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

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

Scope of this Complaints Procedure

This policy is not intended to apply to complaints of financial impropriety, criminal activity or disciplinary and grievance matters for which other procedures are in force. This procedure covers all complaints about any provision of community facilities or services by Athersley South Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|---|---|
| <ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals | <p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with by the Admissions Department at Barnsley Local Authority.</p> |
| <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>LADO contact details: 01226 772341 MASH contact details: 01226 772423</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> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. The school's behaviour Policy can be found on the School Website.</i></p> |
| <ul style="list-style-type: none"> • Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints</p> |

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| | procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint. |
| <ul style="list-style-type: none"> • Staff grievances | Complaints from staff will be dealt with under the school's internal grievance procedures. |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| <ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| <ul style="list-style-type: none"> • National Curriculum – content (Including Religious Education) | Please contact the Department for Education at: www.education.gov.uk/contactus |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Athersley South Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Concerns or Informal Complaints

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Athersley South Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

An informal complaint/concern may be made in person, in writing or by telephone. Where it is made in person or by telephone we will if possible seek to resolve the complainant's concerns at that time on an informal basis. They may also be made by

a third party acting on behalf of a complainant, as long as they have their appropriate consent to do so.

Even some written complaints, which can be resolved simply and speedily, by a quick response, can be classed as informal complaints.

Where a parent raises an issue with school we will establish whether the parent has a concern regarding a particular issue which they are seeking to have resolved or whether the parent has a complaint which they want investigating and responded to formally.

Concerns will be handled, if at all possible, without the need for formal procedures. Taking concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

Sometimes parents may use the term complaint when in fact they have a concern so consequently it can be dealt with in a less formal manner.

For informal complaints or if a parent needs further clarification about concerns that they have regarding what the school is doing for their child then it is important to contact their class teacher as the first point of contact.

An appointment should be made to see your child's class teacher. The appointment should take place within 1 week of requesting one.

During the meeting the class teacher will listen to the concerns and then give one of two responses:

- An immediate response to the concerns, or
- An invitation to a further meeting to take place within 1 week. This will give time for the teacher to look into the matter raised more fully. At the next meeting a response will be given to the concerns.

Resolving parental concerns swiftly can prevent concerns becoming formal complaints. However, it is recognised that, irrespective of the school's reasonableness in responding to the parent's concerns, sometimes they will be dissatisfied with the outcome or may want to raise their concerns formally. In this case, Athersley South Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Formal Complaints

Formal complaints procedures will need to be invoked when initial attempts to resolve issues informally are unsuccessful and the person concerned remains dissatisfied and wishes to take the matter further.

Parents will be advised that complaints are treated seriously and managed by a formal process involving evidence and investigation.

Stage 1

A complaint must be made in writing or e-mail. They may also be made by a third party acting on behalf of a complainant, as long as they have their appropriate consent to do so.

Where a parent makes a complaint by telephone or in person, they must be advised to submit the complaint in writing in order for it to be considered.

Complainants should not approach individual governors to raise concerns or complaints. Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to Mrs Sanderson, Headteacher, via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Mrs K Bostwick, Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Governor Services, Barnsley Metropolitan Borough Council, via the school office. Please mark them as Private and Confidential.

Parents may find it easier to complete a School Complaint Form, provided in Appendix 1. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Where a person comes onto the school premises and makes a complaint in a threatening manner, the headteacher will deal with that person in accordance with the Local Authority's procedure set out in: Work Related Violence to Employees at School – A Guide for all School Staff.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days stating which member of staff will be managing the complaint.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 25 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Athersley South Primary School will take to resolve the complaint.

At each stage in the procedure, Athersley South Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to Governor Services, Barnsley Local Authority via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three,

impartial, governors available (excluding the Headteacher or Staff Governors). This is the final stage of the complaints procedure.

- Where the Chairperson of the Governing Body is a member of the Committee they shall not attend any meeting where they have participated in the management of the complaint.
- The Chairperson of the Committee shall be elected by the Committee.
- The quorum shall consist of 3 members of the Committee.
- The Governing Body shall appoint a Clerk to the Committee

The purpose of the appeal is not to reinvestigate the complaint, it is to ensure that the complaints procedure was implemented correctly and every issue within the complaint thoroughly investigated. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that the complaint has been taken seriously.

It is important to note that professional decisions that are made in school are the responsibility of the headteacher. This means that even if the Complaints Committee does not agree with the headteacher's decision, they cannot substitute their own decision.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 15 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 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.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Athersley South Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

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.

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.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

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 5 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 not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

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

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

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

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Athersley South Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Athersley South Primary School will take to resolve the complaint.

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

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent, co-opted governors.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

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

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

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

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- 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.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

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.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

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 records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- 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
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

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

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- 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.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- 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
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

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

We recognise 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.

- 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 meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee 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 committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Local Authority

Where a parent contacts the Local Authority regarding a complaint against a school they will be advised to request a copy of the school's complaints procedure from the school and either raise their concerns informally or submit a written complaint to the headteacher of the school. Where permission is given notification of this contact will be sent by e-mail to the headteacher.

Where appropriate and permission is given, details of the concern may also be passed to other officers within the service so that they can provide support, for example Education Welfare, Behaviour Support. If there are possible safeguarding issues, information will be passed on to the relevant agencies.

The parent will be advised of the procedures for schools' complaints and informed that the Local Authority will not investigate their complaint. In the case where a parent has followed their complaint to the end of the school's procedure the matter is concluded.

Under section 45 of the Education Act 2011, the Local Authority's duty to consider complaints about the curriculum, sex education and religious worship in maintained schools has ceased.

Complaints about maintained schools not resolved by the school should be addressed to the Department for Education and not the Local Authority.

Ofsted

Ofsted have the power to consider some complaints made in writing about schools. Such complaints can be made by parents or carers of children registered at a school.

Ofsted will not usually consider a complaint if the parent/carer has not first followed the School's and Local Authority's complaints procedure.

Ofsted can consider complaints where it affects the school as a whole e.g.

- the school not providing a good enough education
- the pupils are not achieving as much as they should, or their differing needs are not being met
- the school is not well led and managed, or is wasting money
- the pupils' personal development and well being are being neglected.

Ofsted will not normally investigate cases to do with individual pupils.

Ofsted cannot consider complaints when there are other statutory ways of pursuing them.

Examples include complaints relating to:

- admissions procedures
- exclusion of individual pupils
- provision for individual pupils with special educational needs
- religious education or the religious character of a school
- temporary changes to the curriculum

Ofsted are not in a position to:

- investigate incidents that are alleged to have taken place
- judge how well a school investigated or responded to a complaint
- mediate between a parent and a school to resolve a dispute.

Where a complaint is made to Ofsted, which falls within their power to investigate, it may decide to bring forward an inspection or conduct an immediate inspection.

Complaints about childcare and social care provision

Ofsted can take more extensive action on receiving a complaint about childcare and social care providers should the information they receive suggest that providers are not meeting minimum standards, are putting children at risk or are providing services without appropriate registration. This will apply to schools where they are registered with Ofsted for the provision of these services.

Date received in school _____

Acknowledgement Sent on: _____

By _____

Complaint referred to: _____

Date: _____

Empty rectangular box for additional information or signature.