



Complaints Policy & Procedure 2022

Date discussed with Staff:	Date discussed with Governors:
Date ratified by Governors:	
Date for review:	
Signed:	Headteacher
Signed:	Chair of Governors

Heygarth Primary School
Complaints Policy & Procedure

1. General information

- 1.1 Who can make a complaint?**
- 1.2 The difference between a concern and a complaint**
- 1.3 How to raise a concern or make a complaint**
- 1.4 Anonymous complaints**
- 1.5 Time scales**
- 1.6 Complaints received outside of term time**

2. Scope of this Complaints Procedure

- 2.1 Resolving complaints**
- 2.2 Withdrawal of a Complaint**

3. Complaint Stages

- 3.1 Stage 1**
 - 3.1.1 A model procedure for schools to use at Stage 1**
- 3.2 Stage 2**
 - 3.2.1 Need to extend time for response**
 - 3.2.2 Formal written response**
- 3.3 Stage 3**
 - 3.3.1 Formal Complaint to a School's Governing Body Complaints Committee - Model Agenda**

4. Complaints about the Chair of Governors or individual Governors

4.1 Next Steps

5. Roles and Responsibilities

5.1 Complainant

5.2 Investigator

5.3 Complaints Co-ordinator (Headteacher or Chair of Governors (if relating to the Headteacher) or other staff member providing administrative support)

5.4 Clerk to the Governing Body (under the direction of the Headteacher or Chair of Governors and/or Chair of Committee)

5.5 Committee Chair

5.6 Committee Member

6. Policy for managing serial and unreasonable complaints

7. School Complaint Form

1. General information

1.1 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 Heygarth Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

1.2 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'*.

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. Heygarth 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, Mrs Hazel Beamish (*Headteacher*), will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Mrs Hazel Beamish (*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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Heygarth Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

1.3 How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate written consent to do so. The consent should be checked directly with the complainant. The person acting on behalf of a complainant should be listened to but the process of finding a resolution may only be appropriate when addressing the matter with the actual complainant.

At Stage 1 concerns should be raised with either the class teacher or person whose actions have caused you to have a concern or complaint (Stage 1). It is important that all parties remain polite and courteous during all conversations. If either party is unable to maintain a polite and courteous manner the other party should end the meeting and refer

the matter to a senior member of staff. If either party perceives that a conversation at Stage 1 may be unduly stressful the matter may be referred to a senior member of staff.

If, after a Stage 1 discussion, the issue remains unresolved, the matter should be referred to a senior member of staff to be addressed at Stage 2. The complainant would be expected to make their complaint in writing and include any response received at Stage 1.

If the complaint concerns the Headteacher, Stage 1 should be followed, if appropriate. If not considered appropriate the complainant should refer the matter to the Chair of Governors. In such circumstances the Chair of Governors would request an explanation from the Headteacher. The Headteacher's response to the Chair of Governors would be forwarded to the complainant along with a brief letter from the Chair of Governors.

Stage 2 complaints against school staff (except the Headteacher) should be forwarded, to the Headteacher via the school office, in a sealed envelope marked for the attention of the Headteacher. If the complaint is about the Headteacher the envelope should be addressed for the attention of the Chair of Governors and marked as Private and Confidential. Complaints may also be made directly in person. Notes should be made and the complainant asked to complete a school complaint form.

The school complaint form is included in part 7, at the end of this document. The complainant should be asked to complete this form at Stages 2 and/or 3. If the complainant requires help in completing the form, they should contact the school office. The complainant can also ask local third party organisations and/or the Citizens Advice for help.

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 and holding meetings in accessible locations.

1.4 Complainants contacting Governors

At no time should complainants approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure. Governors who are approached by complainants must not engage in the process but should refer the person wishing to make a complaint to the Headteacher or Chair of Governors depending on who their complaint is about. The individual Governor should inform the complainant, as soon as they can in a conversation, that they are not at liberty to discuss the matter and refer the complainant to the Headteacher or Chair of Governors.

Complaints about the Chair of Governors, any individual governor or the whole Governing Body should be addressed to the Chair of Governors and/or the Clerk to the Governing Body via the school office. Please mark envelopes as Private and Confidential. The Clerk to the Governors would bring the matter to the attention of the Headteacher and Chair and Vice Chair of Governors.

1.5 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.

1.6 Time scales

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.

1.7 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. In this document any reference to days should be viewed as referring to school days and not weekends or times when the school is not in session.

2. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Heygarth 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	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Wirral Local Authority .
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO: Tel: 0151 666 4582 / 07780 508 919) who has local responsibility for safeguarding or the Integrated Front Door, Tel: 606 2008

<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 behaviour policy is available 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 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.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<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 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

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 Heygarth 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.

2.1 Resolving complaints

At each stage in the procedure, Heygarth Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld or not 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;
- inform the complainant that their complaint is upheld, upheld in part or not upheld.

2.2 Withdrawal of a Complaint

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

3. Complaint Stages

3.1 Stage 1

The vast majority of concerns and complaints can be resolved informally. There are many occasions when concerns are resolved straight away through speaking with the class teacher or office staff or Headteacher, depending on whom the complainant first approached. Complainants must feel able to raise concerns with members of staff without any 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 the issue further. It is recommended that a written record is made at Stage 1. This record could assist in avoiding later confusions. The written record could be made by the complainant in addition to the record made by the staff member and a copy of the staff record provided for the complainant within 10 school days.

3.1.1 A model procedure for schools to use at Stage 1

- Complainants may be offered an opportunity to discuss their concern with the appropriate member of staff designated to deal with the situation who will clarify with the complainant the nature of the concern, and reassure them that the school wants to hear about it. The member of staff may be able to explain to the complainant how the situation happened. It can be helpful to identify at this point what sort of outcome the complainant is looking for.
- If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number and a brief note on the nature of the complaint.
- All members of staff should know how to refer on a concern, if necessary, to the person with responsibility for the particular issue raised by the complainant. S/he should check later to make sure that the referral has been successful. Initial notes should be forwarded to the person the issue is referred on to.
- If the concern relates to the Headteacher, the Headteacher should seek a resolution at Stage 1 as they have the same right as any other employee to do so. If the complainant remains dissatisfied the complainant should be advised by the Headteacher to contact the Chair of the Governing Body, giving them details of how to do so. **Any communication with the Chair of Governors or any other Governor should be sent c/o The School Office. Personal addresses or email details should not be provided or used by Governors or staff.**
- The staff member dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing to the complainant after taking advice from the Headteacher or appropriate senior member of staff. In all circumstances notes should be made of the action and the notes retained.
- Where no satisfactory solution has been found within 15 school days (see 3.2.1), complainants should be asked if they wish their concern to be considered further. If they do then they should be given clear information, both orally and in writing, about how to proceed and about any independent advice available to them. It may be appropriate at this stage to provide the complainant with a copy of the school complaint form (section 7 below)

3.2 Stage 2

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing, or by telephone. At this point the complaint should be confirmed by the complainant on the school complaint form if not already completed.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing by letter within **5** school days. It is good practice to request confirmation of receipt of all communications including confirmation of receiving a report.

Within a response, the Headteacher may confirm receipt of the school complaint form or request the completion of the school form. The Headteacher may wish 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.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team **but not the decision to be taken. There is a good argument for the Headteacher not to be the investigator.***

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

- Ask the member of staff for a full written explanation;
- and/or, 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 investigator will provide a formal written response within **15** school days of the date of receipt of the completed school complaint form or a written complaint.

3.2.1 Need to extend time for response

If the Headteacher/investigator is unable to meet the above deadline (3.2), they will provide the complainant with a new revised response date within **15** working days of receipt of the original complaint.

3.2.2 Formal written response

The formal written response at Stage 2 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 Heygarth Primary School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2. **The complainant must write to the Headteacher or Chair of Governors within 10 school days if they wish the complaint to progress to the next stage (Stage 3).**

If the complaint is about the Headteacher, the Chair of Governors will undertake the stage 2 process and will first request a written response from the Headteacher. This Headteacher's written response will be provided for the complainant as hard copy along with a relevant covering letter from the Chair of Governors. If the complaint concerns 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 2.

Complaints about the Headteacher or member of the Governing Body must be made to the Clerk, via the school office. The Clerk must share such complaints with the Chair, Vice Chair and Headteacher as appropriate and seek their advice.

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 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.

3.3 Stage 3

The complaint committee will decide whether to deal with the complaint at Stage 3 by inviting parties **to a meeting or through written representations**, but in making their decision they will be sensitive to the complainant's needs.

THROUGHOUT THIS SECTION REFERENCE TO A COMMITTEE MEETING WOULD BE EITHER A MEETING INVOLVING ALL PARTIES OR A MEETING OF THE COMMITTEE OF GOVERNORS TO COME TO A DECISION BASED ON WRITTEN REPRESENTATIONS FROM BOTH PARTIES. THE CHAIR OF GOVERNORS WOULD NEED TO INFORM ALL PARTIES OF THIS DECISION.

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can request an escalation of the **complaint to Stage 3 – a meeting with members of the Governing Body's Complaints Committee**, which will be formed of the first three, impartial, Governors available. This is the final stage of the complaints procedure.

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.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing by letter within **5** school days. The Clerk will inform the Chair of Governors and the Headteacher.

Requests received outside of the 10 day time frame will only be considered if exceptional circumstances apply.

The complainant will be asked to provide a full bundle of the papers they wish the panel of Governors to consider. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **20** 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.

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 available, the Clerk will source any additional, independent Governors through another local school or through their Wirral Governors Association, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

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 a union representative, a work based colleague and/or legal representative. If the complaint is being responded to by a member of school staff they are entitled to be accompanied and represented by a trade union representative, work based colleague or friend.

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. This will be a decision for the Chair of Governors, Vice Chair of Governors and Headteacher. If the complaint is about the Headteacher the decision would be made by the Chair of Governors and Vice Chair of Governors.

Representatives from the media are not permitted to attend.

At least **15** school days (see 3.2.1) before the meeting, if matters are not being considered under staff disciplinary procedures, and the Governors panel has decided to hold a meeting rather than through written correspondence, 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 that the complainant provides copies of any further written material to be submitted to the Clerk to Governors at least **10** school days before the meeting.
- Share all the papers submitted by the responder to the complaint (probably the Headteacher) and request any further contribution from the person complained about or the Headteacher are submitted within 7 school days before the meeting.

All written responses provided for the meeting will be circulated to all parties at least **5** school days before the date provided. 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 or written representation 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 Heygarth Primary School with a full explanation of their decision and the reason(s) for it, in writing, within **10** school days of the Committee reaching a conclusion.

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 the school and the complaint committee.

3.3.1 Formal Complaint to a School's Governing Body Complaints Committee - Model Agenda

1. Apologies.
2. To consider members' declaration of interests, entitlement to vote and any requirements to withdraw from the meeting.
3. To confirm the order of the procedure. Witnesses will only be present whilst giving evidence and responding to questions.
4. To confirm the committee decision will be conveyed to all parties, in writing, within 10 school days from the end of the meeting.
5. Invitation to complainant and Headteacher to join meeting and introduction to governors.
6. Introduction and explanation of procedure, including that the making of recordings is not permitted.
7. To note the role of the clerk at the meeting and inform attendees that the committee decision will be conveyed to all parties, in writing, within 10 school days from the end of the meeting.
8. Complainant's presentation and witnesses.

9. Headteacher invited to put questions to the complainant and witnesses, if they wish to do so.
10. Governors invited to put questions of clarification to the complainant and witnesses, if they wish to do so.
11. Headteacher's response and witnesses.
12. Complainant invited to put questions to the Headteacher and witnesses, if they wish to do so.
13. Governors invited to put questions of clarification to the complainant and witnesses, if they wish to do so.
14. Opportunity for summing up by complainant.
15. Opportunity for summing up by Headteacher.
16. Summing up by the Chair relating to procedural matters. The committee will consider the matter and a response (see item 18 below).
17. Complainant and Headteacher leave meeting.
18. To decide on the complaint. The committee can decide to:
 - uphold the complaint in full;
 - uphold it in part;
 - not uphold the complaint and thus dismiss the complaint.
19. To consider whether it is necessary to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher.
20. Confidentiality: to consider whether any items are confidential and should therefore not be available to persons wishing to inspect governing body papers.

4.0 Complaints about the Chair of Governors or individual Governors

If the complaint is:

- jointly about the Chair and Vice Chair or;
- the entire Governing Body or;
- the majority of the Governing Body.

Stage 3 will be heard by a committee of independent, co-opted Governors.

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 Heygarth Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

4.1 Next Steps

If the complainant believes the school did not handle their complaint in accordance with this 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 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Heygarth Primary School. They will consider whether Heygarth 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.

5. Roles and Responsibilities

5.1 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 resolution 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 courtesy and respect ;
- refrain from **publicising the details of their complaint on social media** and respect confidentiality.

5.2 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 coordinator 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 investigator should attend any committee meeting, if invited to do so and respond to questions about their investigation and report.**

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.

5.3 Complaints Coordinator {Headteacher or Chair of Governors (if relating to the Headteacher) 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.

5.4 Clerk to the Governing Body {under the direction of the Headteacher or Chair of Governors and/or Chair of Committee}

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

- ensure the Complaints Committee decide if they are intending addressing Stage 3 through '**written representation**' or a '**meeting**' with all parties
- 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 or written representation, 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
- Ensure the Chair of Committee notifies all parties of the committee's decision. **The Chair may request that the Clerk notifies all parties with a letter provided by the Chair of Committee.**

5.5 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.
- Any new papers or data presented at a hearing that had not previously been circulated would not be accepted. If a new issue arises it may be useful to give everyone the opportunity to consider it and comment; this may require a short

adjournment of the meeting. Unless all parties agreed such papers would not be accepted or considered.

- 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 coordinator, if the school has one).

5.6 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.

6. Managing serial and unreasonable complaints

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Heygarth Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Heygarth Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;

- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' conclusion or remark.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Heygarth Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 Heygarth Primary School.

7. School Complaint Form

Heygarth Primary School - Complaint Form

Please complete and return to *either Headteacher / Chair of Governors* who will acknowledge receipt and explain what action will be taken next, possibly including arrangements for an investigation.

If your complaint has a number of sections or aspects, please complete a separate form for each aspect. If there is insufficient space in any section of the form please use numbered separate sheets of paper.

Your name: _____ **Pupil's name (if relevant):** _____

Your relationship to the pupil (if relevant): _____

Address: _____

Postcode: _____

Day time telephone number: _____

Evening telephone number: _____

1) Please give details of your complaint.

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

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

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

Your Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: