

# **CONCERNS AND** **COMPLAINTS POLICY**



## **HEATHFIELD PRIMARY** **AND** **NURSERY SCHOOL**

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## **A Procedure for handling concerns and complaints Heathfield Primary and Nursery School**

Under Section 29 of the Education Act 2002, the governing body of all maintained schools and nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaint procedure to be publicised (~~see appendix B~~)-on the school's website: [www.heathfieldprimary.org.uk](http://www.heathfieldprimary.org.uk)

The exceptions to this requirement are complaints relating to the Curriculum, Collective Worship and Religious Education, some Special Educational Needs issues and Admission, where Local Authorities have statutory responsibilities. The Executive Head Teacher or Heads of School can give information about this, and advice on who to contact in Nottingham City Council.

There are certain other complaints which fall outside the remit of the governing body's complaints procedure, for example, staff grievances or disciplinary procedures.

Allegations of abuse against a member of the school staff must be reported to the Executive Head Teacher immediately. Allegations of abuse against the Executive Head Teacher must be reported to the Chair of Governors immediately.

Immediate contact must be made by the Executive Head Teacher or Chair of Governors with the Local Authority Child Protection Officer.

For complaints which do not fall within the definition of curriculum complaints, the responsibility for dealing with them falls entirely on the governing body. Nottingham City Council may not take over this responsibility, and appeals against governing body decisions and procedures would be heard by the Secretary of State.

Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures. The details of such an investigation will remain confidential.

Extended Schools: the governing body will ensure that any third party provider offering activities and services through the extended schools programme has their own complaints procedure in place. ***The School Business Manager will monitor this requirement.*** If a third party provider's complaints process is exhausted and the matter is not resolved it will be referred to a Governors' Complaints Panel. This ensures that the Governors are kept aware of complaints about provision.

### 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 Heathfield Primary and Nursery 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.

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. Heathfield Primary and Nursery 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 Heads of School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Heads of School 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.

#### 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 on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised following the school's processes as outlined below.

Each level of the procedure set offers the opportunity for concerns to be resolved as quickly as possible.

#### **Level 1 – Informal**

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher about the concern. It is best to resolve issues at this point.

##### *Guidance on informal level 1:*

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues*
- *A class teacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues*
- *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away*
- *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem*

#### **Level 2 – Informal**

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher should ask for an appointment to meet with both the class teacher and Phase Leader.

##### *Guidance on informal level 2:*

- *Concerns should continue to be handled informally in a manner that offers the best way of resolving issues*
- *The Phase Leader should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
- *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
- *As above the parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*

### **Level 3 - Informal**

Parents, carers or guardians dissatisfied with the result of the discussions with the class teacher or Phase Leader should ask for an appointment to meet with a member of the Leadership Team: an Assistant Head Teacher, or a Head of School.

If a resolution to the issue is proving difficult to find, the Head of School, or Assistant Head Teacher can speak to one member of the governing body about the issue who may be willing to offer informal intervention. However, there is no obligation on any governor to become involved at this level.

If everyone involved is unable to resolve the issue then it may be necessary to ask for information or support from Nottingham City Council. The issue that is the focus of the complaint will determine the person contacted. The Heads of School or Assistant Head Teachers should advise on who the complainant should contact.

#### *Guidance on informal level 3:*

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher he/she can ask for an appointment to meet with a member of the Head of School or one of the Assistant Head Teachers.*
- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is good practice for Heads of School or Assistant Head Teachers to write a letter to parents summarising what has been agreed regarding the issue.*
- *The Head of School or Assistant Head Teacher may feel that a particular governor's input would be helpful in bringing about a resolution but there is no obligation on any governor to become involved at this level.*
- *The advice from a Children's Services Representative will be designed to help facilitate a resolution to the problem as quickly as possible.*

It is hoped that most problems will have been resolved by now. However, if this not the case, it should be escalated to a formal complaint.

Complainants should not 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 5 of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Executive Head Teacher, Gary Fullwood, via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Executive Head Teacher should be addressed to the Chair of Governors, Phil Haywood 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 the Clerk to the Governing Body, Sarah Teale via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. 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.

#### 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.

#### 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.

#### 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 procedure covers all complaints about any provision of community facilities or services by Heathfield Primary and Nursery School, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
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 to the Admissions Hotline 0115 8415568
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) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Contact Children's Safeguarding Board 0115 8764762
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i> The school's behaviour policy is available on the school website <a href="http://heathfieldprimary.org.uk">heathfieldprimary.org.uk</a>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . 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.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.
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.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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 Heathfield Primary and Nursery 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.

#### Resolving complaints

At each stage in the procedure, Heathfield Primary and Nursery 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

#### Withdrawal of a Complaint

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

#### **Level 4 – an unresolved concern or formal complaint**

Formal complaints must be made to the Executive Head Teacher (unless they are about him), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Executive Head Teacher 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. This formal complaint letter must be received within 20 school days of the last meeting with the Executive Head Teacher concerning the initial concerns/issue.

Within this response, the Executive Head Teacher 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.

*Note: The Executive Head Teacher may delegate the investigation to another member of the school's Senior Leadership Team but not the decision to be taken.*

During the investigation, the Executive Head Teacher (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 Executive Head Teacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Executive Head Teacher 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 Heathfield Primary and Nursery School will take to resolve the complaint.

The Executive Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Level 4.

If the complaint is about the Executive Head Teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed by the Local Authority to complete all the actions at Level 4.

As previously stated, complaints about the Head Teacher and member(s) of the governing body must be made to the Clerk, 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

Therefore, Level 4 will be considered by an independent investigator appointed by the governing body or. At the conclusion of their investigation, the independent investigator will provide a formal written response.

#### **Level 5 – formal Complaints Committee**

If the complainant is dissatisfied with the outcome at Level 4 and wishes to take the matter further, they can escalate the complaint to Level 5 – 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 Level 5 must be made to the Clerk, via the school office, within 10 school days of receipt of the Level 4 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 10 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 Level 5 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 Heathfield 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 5.

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 15 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 4 of the procedure, if the concern process has been unsuccessful.

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 Heathfield Primary and Nursery School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

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 Heathfield.

If the complaint is:

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

Stage 5 will be heard by a committee of independent 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 Heathfield Primary and Nursery School will take to resolve the complaint.

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

### **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 5.

### ***THE DECISION OF THE GOVERNOR'S COMPLAINTS PANEL IS FINAL.***

Once a Governor's Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened. If a request is received in this respect, the Chair of Governors should inform the complainant that the matter is closed.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Heathfield Primary and Nursery School. They will consider whether Heathfield 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](http://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.

Time Scales:

Receipt of complainant's letter	Acknowledgement within 5 school days
Outcome of any investigations at Stage 4	Within 15 school days of receipt of complainant's form/letter
Receipt of complainant's letter	Governors' Panel meeting within 15 school days (unless this goes into school holidays)
Written documentation sent to Governors' Panel Members and complainant and Head Teacher	5 school days before meeting.
Governors' Panel members decision communicated to all concerned	As soon as possible but within 10 school days of meeting.

**Please note:**

**Persistent, Unreasonable or Vexatious Complainants**

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made unreasonable or vexatious complaints in the past, it cannot be assumed that the next complaint is also unreasonable or vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

A persistent/unreasonable complainant is a Parent/Carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable.

This school also defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

In such circumstances, the **Policy for Dealing with Persistent, Unreasonable or Vexatious Complaints/Harassment** will be applied.



## **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 Executive Head Teacher 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)

### **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