



# **Complaints Policy and Procedure**

## **Guidance for Governors and Staff**

### **Cronton CE Primary School**

**Adopted: September 2014**

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## **Introduction**

This guidance should be used in conjunction with the Complaints Policy and Procedure in Appendix 1. This guidance is accessible on the school website and paper copies can be provided to complainants on request.

Under Section 29 of the Education Act (2002) Governing Bodies are required to have a procedure in place to deal with complaints. The School Standards and Framework Act (1998) provides additional requirements of Governing Bodies to establish and publish procedures for handling complaints relating to the school.

The School's policy and procedure (Appendix 1) should be used to deal with complaints relating to the school and any facilities or services that the school provides, will ensure that you have access to a clear process for dealing with complaints and show exactly what should happen when a complaint is made and how long this process should take.

The main aims of this policy and procedure are:

- To recognise the importance and value of feedback.
- To provide parent/carers and the wider community with a clear way of contacting us regarding any concerns they may have.
- To use the feedback from complaints to understand what is causing the problem and where necessary learn from these issues to prevent the same thing happening again.

## **What is our definition of a complaint?**

'An expression of dissatisfaction made about the school, its staff or an action of a person or organisation providing a service to the school, whether justified or not'

## **Who can complain?**

The school's complaints policy can be used by anyone who has a concern or complaint about any aspect of the school. In the main, this will mean pupils, parents and carers, however, may also include neighbours of the school or members of the local community.

## **What procedures do we need to follow to review a complaint?**

The formal procedures contained in the policy and procedure should only be invoked when initial attempts to resolve the issue informally are unsuccessful and the person raising the concern remains dissatisfied and wishes the matter to be heard by an impartial committee of the Governing Body.

In the first instance complaints are directed to the Office Manager [ Mrs E Felton] who will refer the issue to the most appropriate person. If the complaint concerns the Headteacher or a Governor, the complainant needs to be referred directly to the Chair of Governors via the school.

If the complaint is about the Chair of Governors, the complainant will need to write to the Clerk to the Governors [Mrs Campbell-Hunter] who will convene a complaints hearing panel appointed from the Governing Body, and stage three of the complaints procedure will apply. In these instances, the Clerk can also refer to the Local Authority or Governor Support Service for advice and support on any investigation.

## **Standards**

When a complaint is made, these are the standards that are expected of us.

We should:

- Acknowledge a complaint within 5 school days.
- Respond to any complaint with a full explanation within the timescales outlined for each stage of the process identified on pages 5, and 7.
- Contact the complainant if the response is going to take longer, explain why and give details of expected timescales.
- Handle and process information in accordance with the Data Protection Act and School's Information Security Policy.
- Apologise if we have made a mistake.
- Provide a contact name and telephone number in case the complainant wishes to contact us again.
- Be fair and honest.
- Treat the complainant with dignity, respect and courtesy.

When a complaint is made, these are the standards that are expected of the complainant:

- All staff should be treated with respect. If they do not, we will refuse to deal with their enquiry until your behaviour is acceptable.
- Provide us with all of the information that we need to investigate and respond to the complaint.
- Tell us what he/she would like us to do to resolve your complaint.

Please note that where the complaint is made jointly by a number of people, the complainants will need to nominate a single representative to speak on behalf of the group.

## **Dealing with unreasonable complaints**

The majority of complaints made to the school should be dealt with in a timely and effective manner using the complaints procedure outlined in the complaints policy and procedure; however, in a minority of cases, the way in which complainants pursue their complaint can impede investigations and lead to significant resourcing issues.

As part of the revised complaints policy and procedure, the school has adopted the Local Government Ombudsman guidance in relation to unreasonable and unreasonably persistent complaints  
<http://www.lgo.org.uk/publications/advice-and-guidance/unreasonable-complainants>

A complaint can be regarded as unreasonable when the person making the complaint:

- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint.
  - Seeks an unrealistic outcome.
  - Has a history of making unreasonable complaints.
  - Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint.

A complaint will also be considered unreasonable if the person making the complaint does so:

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.

The presumption should where possible be made in favour of not restricting access unless it is absolutely necessary. Where restrictions are placed, the governors should consider the following when assessing unreasonably persistent and/or vexatious complainants:

- Warnings/contract for future conduct.
- Restricting telephone calls to a particular day, time or person.
- Restrictions on methods of contact (e.g. in writing).
- Not acknowledging future correspondence that does not present new information.
- Temporary suspension of the person's access to the complaints system.

The complainant should be informed in writing of any action taken and how long the action will last.

### **What is not covered by the school's policy and procedure?**

There are certain matters that we do not deal with through the complaints processes and stages in this procedure. These are:

- Something that a complainant knew about more than 12 months before it was raised with us.

- Complaints that have previously been dealt with through all stage of the complaints procedure identified in this policy.
- Requests for information under the Freedom of Information Act (2000) or Data Protection Act (1998).
- Matters which have a right of appeal or have already gone or could go to, a court, tribunal, or Government Minister.
- Staff grievance or disciplinary procedures; these matters should be dealt with through the relevant HR procedures.

These issues can still be referred to the school, however, will be addressed under the relevant statutory guidance.

- Complaints in relation to the following issues should be made to the Local Authority:
  - The provision of religious education and collective worship (with the exception of church aided schools).
  - School admission appeals.
  - Exclusions.
  - Special educational needs assessments.
  - Child protection issues and allegations of child abuse.

These are specifically concerns about areas where the authority has a statutory duty. Complaints relating to these issues should be referred to:

Customer Liaison Team  
 Knowsley Metropolitan Borough Council  
 Archway Road  
 Huyton  
 L36 9UX

Tel: 0151 443 3231

Web: <http://www.knowsley.gov.uk>

A complaint about community facilities or services provided by any third party through the school premises or using school facilities should be addressed to the third party provider who will have their own complaints procedure. Copies of the complaints procedure for any third party provider are available directly from the provider.

When individual complaints are heard, any underlying issues that are identified must be addressed and logged and where necessary action taken to prevent reoccurrence of similar issues elsewhere.

The Governing Body should monitor the level and nature of complaints and review the outcomes on a termly and annual basis to ensure the effectiveness of the procedure and make changes where necessary. The monitoring and review of complaints by the school and the Governing Body are seen as useful tools in evaluating a school's performance. Please note that information shared with the Governing Body about complaints must be anonymised.

## **Complaints Procedure**

It is important that we respect the views of any complainant and if he/she expresses a difficulty in discussing the complaint with a particular member of staff the complaints coordinator should refer the complaint to another member of staff if required.

Where the concern involves any child protection issue, the Headteacher should inform the Local Authority Designated Officer (LADO) and social care team.

Complaints can be made formally in a number of ways; these are shown in Appendix 1. If the complainant has difficulty expressing their concerns in writing, the school should signpost where he/she can get independent assistance to support their complaint.

The stages in the complaints process are shown below:

### **Informal Stage: Complaint Reviewed Directly with the Relevant Teacher**

The vast majority of concerns can be resolved informally; there are many occasions where the appropriate teacher, member of office staff, or the Headteacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage and it is important to us that the complainant feels able to raise concerns with members of staff without any formality, either in person, by telephone or in writing in the first instance.

### **Stage One: Complaint Investigated by Member of Staff**

The school should acknowledge receipt of the complaint within 5 school days and the member of staff can, if necessary contact the complainant to clarify any concerns. This may be by telephone, letter or more formally in a meeting.

If the complainant is invited to a meeting as part of the investigation, the member of staff should advise them that they can bring a friend, family member or advocate if they wish, the school should also provide details of interpreting and other support services if required.

The Member of Staff should also have another member of staff present in any meetings as part of the investigation to record the notes of the meeting. The complainant should be provided with a copy of any notes made in the meeting with them. If, as part of the process, it is necessary to interview pupils, this must be done in the presence of another member of staff, or in the case of serious complaints in the presence of parents/carers.

The complaint should be investigated and the outcome communicated to the complainant in writing within 10 school days, if this is not possible, the school complaints coordinator should let the complainant know when he/she can expect to receive a response. See appendix for an example holding letter.

If the complainant remains dissatisfied with the outcome of the investigation into he/she can escalate to stage two and must write to the Headteacher within 10 school days asking for the complaint to be investigated at stage two.

### **Stage Two: Complaint Investigated by Headteacher/Senior Teacher**

The school should acknowledge receipt of the complaint within 5 school days and the Headteacher/Senior Teacher can, if necessary contact the complainant to clarify any concerns. This may be by telephone, letter or more formally in a meeting.

If the complainant is invited to a meeting as part of the investigation, the Headteacher/senior teacher should advise them that they can bring a friend, family member or advocate if they wish, the school should also provide details of interpreting and other support services if required.

The Headteacher/senior teacher should also have another member of staff present in any meetings as part of the investigation to record the notes of the meeting. The complainant should be provided with a copy of any notes made in the meeting with them. If, as part of the process, it is necessary to interview pupils, this must be done in the presence of another member of staff, or in the case of serious complaints in the presence of parents/carers.

The complaint should be investigated and the outcome communicated to the complainant in writing within 10 school days, if this is not possible, the school complaints coordinator should let the complainant know the reasons why and when he/she can expect to receive a response. See appendix for an example holding letter.

On conclusion of the complaint investigation, if you remain dissatisfied with the outcome of the investigation into your complaint you should write to the Chair of Governors within 10 school days asking for your complaint to be investigated at stage three.

### **Stage Three: Complaint Heard by the Governing Body's Complaints Hearing Panel**

The school will acknowledge receipt of your complaint within 5 school days and the Chair of Governors or his/her nominated representative may if necessary; contact you to discuss and clarify your concerns. This may be by telephone, letter or more formally in a meeting.

The Chair of Governors can offer mediation as a means of resolving the complaint. Mediation can be facilitated by a nominated representative of the Chair of Governors including an external agency if appropriate. If the matter cannot be resolved through mediation, the Chair of Governors will arrange for the complaints hearing panel to be convened.

The hearing panel be made up of 3 or 5 governors who have no previous involvement with the complaint, one of whom will chair the hearing.

A clerk, appointed by the Chair of Governors should be responsible for convening the hearing. The Clerk should then write to the complainant, the Governors hearing panel, Headteacher /senior teacher and any witnesses with the date, time and location of the hearing, giving a minimum of 5 school days notice. All documents to be considered by the panel should be circulated to the complainant, headteacher/senior teacher and the governing body hearing panel 5 school days prior to the hearing date. Please note that witnesses only be able to attend for the part of the hearing in which he/she gives evidence. The complainant should also be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors should ensure that minutes are taken at the hearing.

The panel should be convened within 20 school days of receiving the letter. If this is not possible the clerk should contact the complainant and explain the reasons why and when he/she can expect the hearing to be.

The hearing:

- Should be held in private.
- Any witnesses (other than the complainant and the Headteacher) should only attend for the part of the hearing in which they give evidence.
- Good practice would be that at no point should the Headteacher or the complainant be left with the complaints hearing panel without the other being present.
- The hearing panel should be mindful that the complainant may not be familiar with the conduct of formal meetings and may feel inhibited in addressing the panel. It is recommended that the chair of the panel keeps the proceedings as informal as possible. This is particularly important if the complainant is a child.
- If either party wishes to introduce new information at the meeting, this should be allowed where possible. The meeting can then be adjourned for a short period to allow all parties to review and respond to this information if required.

The format of the hearing should allow:

- The complainant to explain his/her complaint and the Headteacher/senior teacher to explain the school's response.
- Witnesses to be brought by the complainant or Headteacher/senior teacher.
- The complainant and the Headteacher/senior teacher to ask questions of each other and any witnesses.
- The hearing panel to ask questions of the complainant, headteacher/senior teacher and witnesses.
- The complainant, Headteacher/senior teacher to summarise their cases.

At the end of the hearing the chair of the panel should thank the complainant and Headteacher for their attendance, close the meeting confirming that the panel will consider their decision and that a written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the complainant and the Headteacher/ senior teacher within 5 school days of the hearing.

Any correspondence to the complainant should also provide a sign post to next steps if he/she remains dissatisfied. For school complaints, if the complainant remain dissatisfied with the outcome, feels that the governing body panel has acted unreasonably about his/her concerns and wishes to appeal he/she can write to the Secretary of State for Education to review it.

The Secretary of State Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

Alternatively, the online form can be accessed here: [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school).

## APPENDIX 1

### ACKNOWLEDGEMENT LETTER TEMPLATE – STAGE ONE

**Please ask for:  
Telephone No:**

**Email:**

**Reference:  
Date:**

Address 1  
Address 2  
Address 3  
Address 4

Dear **[Insert Name]**

Thank you for contacting us on **[Insert Date]** regarding your complaint.

This has been passed to the **{Insert Job Title}** who will arrange for your complaint to be investigated.

We will give you a full response within 10 school days. If this is not possible, we will write to you within this time to explain the reasons why and let you know how long a full response will take.

If you need any further information please see contact details above.

For your information I have attached the link to the school complaint's policy procedure. If you do not have access to the internet, please contact the customer liaison team for a paper copy.

**[Insert direct website address link to the school's policy and procedure]**

Yours sincerely

**[Insert Name]  
[Insert Job Title]**

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**APPENDIX 1**

**RESPONSE LETTER TEMPLATE – STAGE ONE**

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**Please ask for:**  
**Telephone No:**  
**Email:**  
**Reference:**  
**Date:**

Address 1  
Address 2  
Address 3  
Address 4

Dear [Insert Name]

Firstly I would like to take this opportunity to thank you for bringing this matter to my attention on [Insert date]. For clarity, I have responded to each element of your complaint separately.

In relation to your complaint that [Insert the details], I conclude that following my investigation that [Insert details of what you have found/not found and where possible refer to any evidence].

Outcome 1: I have concluded that this aspect of your complaint is/is not upheld [Delete as Applicable].

Add one response for each element of the complaint as above, if required....

I hope this has resolved the issue for you, however if you remain dissatisfied please contact [Insert Title of the designated Complaints Coordinator] by email at [Insert Email Address] or on [Insert Telephone Number} to discuss your options to escalate the complaint further.

For your information I have attached the link to the complaint procedure below, if you do not have access please contact the school office for a paper copy.

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**APPENDIX 2**

**ACKNOWLEDGEMENT LETTER TEMPLATE – STAGE TWO**

Address 1  
Address 2  
Address 3  
Address 4

Dear [Insert Name]

Thank you for contacting us on [Insert Date] regarding our response to your complaint.

We will look into this again for you and provide a full response within 10 school days. If this is not possible, we will write to you within this time to explain the reasons why and let you know how long a full response will take.

If you need any further information please see contact details above.

Yours sincerely

[Insert Name]  
[Insert Job Title]

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number] fo

[Insert dir  
procedure]

## APPENDIX 2

### RESPONSE LETTER TEMPLATE – STAGE TWO

Please ask for:  
Telephone No:  
Email:  
Reference:  
Date:

Address 1  
Address 2  
Address 3  
Address 4

Dear [Insert Name]

Further to your request for a review of your complaint at stage two; [Insert Name] has passed your request on to me to review. I have now had the opportunity to review each element of your complaint fully and have responded to each component below.

In relation to [Insert the details], my review concludes that [Insert details of what you have found/not found and where possible refer to any evidence].

Outcome 1: For the reasons outlined above, I have concluded that this component is/is not upheld [Delete as Applicable].

Regarding [Insert the details], my review concludes that [Insert details of what you have found/not found and where possible refer to any evidence].

Outcome 2: For the reasons outlined above, I have concluded that this component is/is not upheld [Delete as Applicable].

Add more as above, if required....

Yours sincerely

[Insert Name]

[Job Title]

## APPENDIX 3

### ACKNOWLEDGEMENT LETTER TEMPLATE – STAGE THREE

Please ask for:

Telephone No:

Email:

Reference:

Date:

Address 1

Address 2

Address 3

Address 4

Dear **[Insert Name]**

Thank you for contacting the Chair of Governors on **[Insert Date]** requesting your complaint to be reviewed at Stage Three, by the Governing Body Hearing Panel.

The hearing panel will usually be convened within 20 school days, however, if this is not possible I will contact you and explain the reasons why and when you can expect the panel to be.

If you need any further information please contact me directly on the details shown above.

Yours sincerely

**[Insert Name]**

Clerk to Governors

## APPENDIX 3

### GOVERNING BODY HEARING PANEL INVITATION TEMPLATE – STAGE THREE

**Please ask for:**

**Telephone No:**

**Email:**

**Reference:**

**Date:**

Address 1  
Address 2  
Address 3  
Address 4

Dear [insert name]

Further to my letter dated [Insert Date] and [Telephone conversation on Insert Date], the confirmed date for the Governing Body Complaints Hearing Panel is on [Insert date, time and venue of the meeting].

I have enclosed the documents to be considered by the Hearing Panel; if you have any additional documents to be considered or witnesses that you wish to attend to support your case, please can you let me know as soon as possible and at least 5 days before the date of the Hearing. Please note that witnesses will only be able to attend for the part of the hearing in which he/she gives evidence.

At this stage, please can you also confirm by [Insert Date], if you will be bringing anyone else to the meeting eg a friend, family member or advocate or interpreter.

The chair of the Hearing Panel will explain the process fully at the start of the meeting, however, I have provided an outline of the format of the panel for information.

The meeting will allow:

- You to explain your complaint and the Headteacher/senior teacher to explain the school's response.
- Witnesses to be brought by you (the complainant) or Headteacher/senior teacher.
- You, the Headteacher/senior teacher to ask questions of each other and any witnesses.
- The hearing panel to ask questions of you, the headteacher/senior teacher and witnesses.
- You and the Headteacher/senior teacher to summarise your cases.

Following the conclusion of the hearing, the panel may need time to consider its decision, however, a full written response detailing their decisions, recommendations and the basis on which these have been made will be sent to you within 5 school days of the meeting.

If you need any further information prior to the Hearing Panel, please contact me directly on the details shown above.

Yours sincerely

[Insert Name]  
Clerk to Governors

## APPENDIX 3

### RESPONSE LETTER TEMPLATE – STAGE THREE

Please ask for:

Telephone No:

Email:

Reference:

Date:

Address 1

Address 2

Address 3

Address 4

Dear [insert name]

I refer to the meeting of the Governing Body's Complaints Hearing Panel that took place on [Insert Date], which convened in accordance with the provisions of the School's Complaints Policy and Procedure, to consider your appeal against the decision of your complaint at Stages One and Two.

The Hearing Panel considered each of the grounds of your appeal in the context the evidence available, including the Hearing bundle, the case presented by you, your witnesses and the school case presented by [Insert Name and Job Title of the presenting senior teacher].

Regarding your claim that ['Insert the details from the complaints appeal letter'] the Panel considered a number of factors, including the evidence presented by you, witnesses and the Headteacher/senior teacher. The Panel was/was not [Delete as Applicable] satisfied that the investigations undertaken at Stages One and Two did/did not [Delete as Applicable] give full consideration to the issues highlighted by you, including [Insert the details of the issue, action taken/outcome].

Outcome 1: For the reasons outlined above, the Panel has concluded that this element of your appeal is/is not upheld [Delete as Applicable].

Insert more as required. One item should be included per grounds listed in the appeal.

In conclusion, having given careful consideration to the case presented by you, your witnesses and the management case presented by [Insert Name and Job Title of Senior Leader], the Appeals Committee was/was not [Delete as Applicable] satisfied that the review of your complaint was/was not [Delete as Applicable] was appropriate based on the evidence provided and was/was not [Delete as Applicable] conducted in line with the School's Complaints Policy and procedure and consequently reached the decision that your appeal should/should not be upheld [Delete as Applicable].

You have now fully exercised your right to appeal under the School's Complaints Policy and procedure and this decision is final.

I hope that this has resolved the concerns that you have raised, however if you remain dissatisfied with the outcome or feel that the governing body panel has acted unreasonably about your concerns and wish to appeal, you can write to the Secretary of State for Education to review it.

The Secretary of State Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

Yours sincerely

[Insert Name]  
Chair, Governing Body Complaints Hearing Panel

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## APPENDIX 4

### HOLDING LETTER TEMPLATE – ALL STAGES

**Please ask for:**

**Telephone No:**

**Email:**

**Reference:**

**Date:**

Address 1  
Address 2  
Address 3  
Address 4

Dear [insert Name]

Following the letter I sent to you about your complaint, received on [Insert Date], [Insert Name of Teacher/Headteacher/Senior Teacher] investigating the issue has advised me to inform you that he/she [Delete as Applicable] will require another 10 days to obtain all the information needed to provide you with a full response.

We will write to you with the response to your complaint by [Insert Date]

I am sorry for any inconvenience this may cause you.

If you need any further information please see contact details above.



**APPENDIX 5**

**COMPLAINTS ACTION AND IMPROVEMENT PLAN TEMPLATE**

Ref	Finding(s) and Risk	Recommendation	Priority & Status (H, M, L)	Responsible Member of Staff			
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							

**Final Approver**

**School Complaints Action and Improvement Plan [Insert Academic Year]**

**NB: In line with the School’s Information Security Policy and Procedures, the complainant’s personal details should be anonymised.**