

# Springfields First School

## Complaints procedure



**Approved by:** The Governing Board

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## 1. Aims

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

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

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

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

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

## 2. Legislation and guidance

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

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

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

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

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

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- School re-organisation proposals
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such concerns should first be made to the class teacher then the special educational needs co-ordinator (SENCO) and headteacher; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

## 4. Principles for investigation

When investigating a complaint, we will try to clarify:

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

## **Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **5. Stages of complaint (not complaints against the headteacher or a governor)**

### **Stage 1: informal**

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

The complainant should raise the concern as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter or telephone. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 2 working days, and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and the headteacher and the subject of the concern, as appropriate.

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

### **Stage 2: formal**

#### **Inform the headteacher in writing**

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

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 5 working days.

#### **Inform the chair of governors in writing**

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 5 working days.

### **Stage 3: submit the complaint to the review panel**

The review panel consists of members of the governing board. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

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

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

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

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

## **6. Complaints against the headteacher or a governor**

Complaints made against the headteacher should be directed to the chair of governors.

Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance. The address for the clerk is available from the main school office.

### **Stage 1: informal**

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

The complainant should raise the complaint as soon as possible with the chair of governors either in person or by letter. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The chair will acknowledge informal complaints within 2 working days, and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and the chair of governors and the subject of the complaint, as appropriate.

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

### **Stage 2: formal**

#### **Inform the Chair of Governors in writing**

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

The chair of governors (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The chair of governors will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within 10 working days.

### **Stage 3: submit the complaint to the review panel**

The review panel consists of members of the governing board. These individuals will have access to the existing record of the complaint's progress (see section 9) but not the chair of governors if they have already been involved in Stage 2.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

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

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

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint.

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

### **Outcomes of Investigations**

Whether the complaint has been investigated by the head teacher, chair of governors or a complaints committee, a written response will be sent to you outlining the outcome of the investigation and detailing how the conclusion has been reached. The letter will also tell you where to next take the complaint, if you are not satisfied with the response provided.

The Complaints Committee may reach the following conclusions:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the school. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

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

### **The Role of the Secretary of State for Education (the Department for Education)**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

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

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

## 8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### Unreasonably persistent complaints

Please see the school's Vexatious Policy.

## 9. Record-keeping

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

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

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

Records of complaints will be kept for 12 years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## **10. Learning lessons**

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

## **11. Monitoring arrangements**

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the headteacher.

**This policy will be reviewed by full governing board yearly.**

At each review, the policy will be approved by the full governing board or their representative eg Chairs Action.

## **12. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report



## Appendix 1

### Springfields First School Meeting Request Form

I wish to meet [*insert name of the member of staff*] to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with school (eg parent of a pupil on the school roll)

Pupil's name(if relevant to the matter being discussed)

Your address:

Telephone number:

Email address:

Signed:

Date:

Please complete this form and return to the school office

#### **School use**

Date form received:

Date response sent:

Received by:

Response sent by:

## Appendix 2

### Springfields First School Formal Complaints Form

Please complete this form, and return it to the school office or to the head teacher who will acknowledge its receipt and inform you of the next step of the procedure.

Your name:

Relationship with school(eg parent of a pupil on the school roll):

Pupil's name(if relevant to your complaint):

Your address:

Telephone number:

Email address:

Please give concise details of your complaint (including dates, names of witnesses, etc) to allow the matter to be fully investigated:

You may continue on separate paper or attach additional documents if you wish.

Number of additional pages \_\_\_\_\_

What action, if any, have you already taken to try to resolve your complaint? (ie who have you spoken with or written to, and what is the outcome?)

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

Signature:

Date:

School Use:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

### Appendix 3

#### Springfields First School Compliant Review Request Form

Please complete this form, and return it to the head teacher or chair of governors who will acknowledge its receipt and inform you of the next stage of the procedure.

Your name:

Your address:

Telephone number:

Email address:

Dear Sir/Madam

I am submitting a formal complaint to the school on \_\_\_\_\_, and I am dissatisfied by the procedure That has been followed.

My complaint was submitted to \_\_\_\_\_ and I received a response from \_\_\_\_\_ on \_\_\_\_\_.

I have attached copies of my formal complaint and the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because

You may continue on separate paper or attach additional documents if you wish.

Number of additional pages attached \_\_\_\_\_

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

Signature:

Date:

School Use

Date form received:

Received by:

Date acknowledge sent:

Acknowledgement sent by:

Request referred to:			
Date:			

**Response to spurious complainant**

Dear [*Insert name of complainant*]

Thank you for submitting your concern in the letter received on [insert date]. After careful consideration, I am unable to deal with matter under the governing body's complaint procedure. This is because .....

The substance of your complaint has been addressed under the complaints procedure already

Or

The concerns you have raised do not fall within the scope of this procedure but under the \_\_\_\_\_ policy.

If you wish for my decision to be reviewed, you can follow the school's formal complaint procedure by writing to the Chair of the Governors.

Yours sincerely,

Headteacher

Or Chair of Governors

**Acknowledgement of receipt of formal complaint and invitation to meet**

Dear [*Insert name of complainant*]

I have received your formal complaint, dated \_\_\_\_\_ and I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore, I would like to meet you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend if you would find this helpful.

Please telephone the school office to arrange an appointment **OR** I can offer you an appointment at \_\_\_\_\_ on \_\_\_\_\_.

Please let me know if this is convenient.

I hope we will be able to resolve your concerns through our meeting, but if not, I will ensure the appropriate investigation takes place.

Yours sincerely,

Headteacher

Or Chair of Governors

**Acknowledgement of receipt of formal complaint referred by a third party [eg LA]**

Dear [Insert name]

I have received a copy of the documentation that you sent in to \_\_\_\_\_ setting out a complaint about \_\_\_\_\_. This has been passed to the school because it has responsibility for these matters.

The school and governing body take any complaints seriously. Therefore, I would like to meet with you so that I may understand the details of your concerns more clearly. Please telephone the school office to arrange an appointment **OR** I can offer you an appointment at \_\_\_\_\_ on \_\_\_\_\_. Please let me know if this is convenient.

Meanwhile, I'd be grateful if you would complete and return the formal complaint form that I enclosed, along with details of the school's complaints procedure.

I hope we will be able to resolve your concerns through our meeting, but if not, I will ensure the appropriate investigation takes place.

Yours sincerely,

Headteacher

Or Chair of Governors

**Acknowledgement of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure**

Dear.....

I have received your formal complaint dated.....and I am grateful you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore, I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, they will write to you to make suitable arrangements.

Because your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personal procedures. This means the detail of the procedure and its outcome must remain confidential to the school and the member of staff concerned.

**OR**

Because your concerns relate to the behavior of a pupil, the investigation will be carried out under the school's pupil behavior policy and procedures. This means that the details of the procedure and the outcome must remain confidential to the school and the parents of the child concerned.

In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event, I'll let you know when the matter has been concluded.

If I can be of any further assistance, do let me know.

Yours sincerely,

Headteacher

Or Chair of Governors

## Notification of decision regarding formal complaint

Dear .....

Following receipt of your complaint and careful consideration of all the available relevant evidence, the panel has concluded that:

The concern is not substantiated by the evidence in that .....

**OR**

The concern was substantiated in part/full because .....The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

**OR**

To address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcomes must remain strictly confidential. We are confident, however, the circumstances that give rise to your complaint should not be repeated.

**OR**

To address fully the matters of concern you identified, the panel recommended that the governing body should review its .....policy as a matter of urgency. We are confident this should prevent similar concerns arising in future.

I hope this will conclude the matter and we can look to the future working together for the benefit of your child and the school.

Headteacher/Chair of Governors

## Review outcome notification

Dear.....

After careful consideration of your representations in the context of the relevant evidence, the governing body's complaints review panel has concluded the school follow the relevant procedure appropriately in respect of your complaint.

Summary of reasons.....Therefore, we now consider the matter closed.

**OR**

After careful consideration of your representations in the context of the relevant evidence, the governing body's complaints review panel has concluded the school followed the relevant procedure appropriately in respect of your complaint except .....Therefore, the following action will be taken .....

Once this action has been completed, the school will consider the matter to be closed.

**OR**

After careful consideration of your representations in the context of the relevant evidence, the governing body's complaints review panel has concluded the school followed the relevant procedure appropriately in respect of your complaint except .....

However, the panel determined this procedural failure did not affect the outcome of the consideration of your complaint, so while we regret this error, we will now consider the matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of complaints review panel

Cc Headteacher

Chair of governors