

# **Cookridge Primary School Complaints Policy and Procedure**



***Adopted by governing body – November 2019  
Review – when reviewed and changed by HR  
or every 3 years November 2022***

***The Complaints Policy will be published on the school website.***

***‘Together We Achieve the Extraordinary’***

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# Part 1: The School Complaints Policy

## Introduction

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

## Aims of the Policy

To set out procedures for responding to complaints made against the school. The school operates in line with the Department for Education Best Practice Advice for School Complaints January 2016 and the Leeds City Council Complaints Toolkit for Schools Revised July 2016.

## Dealing with complaints – initial concerns

All concerns should be treated seriously. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The school will address informal concerns seriously at the earliest stage in order to reduce the need for lengthy and time-consuming formal procedures.

## Dealing with complaints – formal procedures

The formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. Formal complaints should be made in writing using the Schools Complaints Form at Appendix 2.

## Who can complain?

This policy applies to complaints made by:

- Parents/carers of students currently or recently (within three months) at the school;
- Individuals who either have 'parental responsibility' for a student or who care for them, but are not the student's parents;
- Student's aged 18 years or over; and
- Third parties concerned about action (or lack of action) taken by the school.

## Raising a complaint

To ensure you receive an effective response to your complaint, it will be helpful if you:

- Co-operate with the school in seeking a solution to the complaint;
- Express the complaint in full as early as possible completing the Complaints Form at Appendix 2;
- Respond promptly to request for information or meetings or in agreeing the details of the complaint;
- Ask for assistance if needed; and

- Treat all those involved in the complaint, with respect.

## **Types of complaints not covered by school complaints procedure**

The procedure is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example child abuse, special needs assessments, school admissions or exclusions. If this is the case on receipt and review of your complaint, the school will confirm this with the complainant. Information about complaints subject to statutory procedures are detailed at Appendix 5.

## **Time Limits**

The school aims to consider and resolve all complaints as quickly, and efficiently as possible so time limits have been set for each action within each stage. However, where further investigations are necessary, new time limits can be set. The school will keep the person who raised the complaint informed of progress and provide an explanation for any delay.

Formal complaints should be lodged as soon as possible but no later than 3 months after the incident or issue has occurred. The school may consider exceptions to this rule for example if the matter relates to child protection or safe-guarding.

## **Recording Complaints**

The school will record the progress of the complaint and the final outcome. At the end of meetings or telephone calls the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note can be kept and a copy of any written response added to the record.

Schools should record the progress of the complaint and the final outcome. The Head Teacher should be responsible for these records and hold them centrally.

Schools should be aware that complainants have a right to copies of these records under the Freedom of Information Act 2000 and Data Protection Act 1998

A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Appendix 2.

## **Governing Body Review**

The Governing Body will monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary.

The frequency with which the school complaints procedure must be reviewed is determined by the Governing Body. The Governing Body may delegate responsibility for this to a committee of the Governing Body, an individual governor or the Head Teacher. The revised policy must be ratified by the full Governing Body.

# Part 2: The School Complaints Procedure

## Stages of the Procedure

- **Informal Stage - dealing with concerns:** initial concerns are heard by a class teacher, head of year or another appropriate member of staff on an informal basis, either in person, by telephone or in writing.
  - **Formal Stage 1:** a formal written complaint is considered by the Head Teacher/Investigating Officer, or - **if the complaint is about the Head Teacher** – by the Chair of Governors or nominated governor. The decision of the Head Teacher or Chair of Governors at this stage is usually final.
  - **Formal Stage 2:** If Stage 1 has been worked through and the complainant is unhappy with ***the way in which their complaint has been handled***, the case can be referred to a panel of three governors. The panel will carry out a **review** of the investigation carried out at formal stage one to consider the way the complaint has been investigated and handled by the school. This stage **does not** involve a rehearing of the complaint.
- } School-Based Stage
- **Secretary of State Review:** Having exhausted the previous stages, complaints can finally be taken to the Secretary of State for Education but only on the grounds that the Governing Body is acting or proposing to act unreasonably or illegally.
- } Secretary of State Review

## Informal Stage - Your initial contact with the school

1. Many concerns can be dealt with informally. Your first point of contact should be the pupil's form tutor, head of year, subject teacher or pastoral leader.
2. Arrangements will be made to meet with you or make contact by telephone, or in writing, as soon as possible. The member of staff dealing with the issue should make a brief note of the concerns and an indication of the outcome of the discussion including any agreed actions.
3. When you raise a complaint, depending upon the circumstances, the school will give consideration as to who would be the appropriate person to address it and whether it should be dealt with informally or moved to the formal stage.
4. It may be necessary to take advice before responding to a concern. If so, the school will endeavour to provide you with an update on the progress of their enquiries as quickly as possible.
5. If you remain dissatisfied following this informal approach, you may raise a formal complaint.

## Formal Stage 1 - Formal consideration of your complaint

1. Where you have been unable to resolve a concern informally, you are entitled to progress to the formal stage.
2. Formal complaints should be lodged as soon as possible but no later than **3 months** after the incident or issue has occurred. (The school may consider exceptions to this rule for example if the matter relates to child protection or safe-guarding).
3. Formal complaints should, where possible, be put in writing to the Head Teacher, using the **Complaints Form (Appendix 2)**. The form should include details of the complaint, action already taken to resolve it and actions that may help to resolve the problem. If the complaint concerns the Head Teacher, it should be sent to the Chair of Governors. If the complaint is about the Chair of Governors it should be made in writing to the Vice-Chair of Governors. The school will acknowledge the complaint in writing within **3 school days** of receiving it.
4. The Head Teacher/Investigating Officer will investigate the complaint. If the complaint is regarding the Head Teacher, the Chair of Governors will appoint an Investigating Officer to investigate the complaint. If the complaint is about the Chair of Governors the Vice Chair of Governors will appoint an Investigating Officer to investigate the complaint. The school may appoint an appropriate staff member, governor, HR representative or independent person to investigate. The person investigating the complaint should not have had any prior involvement with the case.
5. During the investigation the Head Teacher/Investigating Officer should contact you to clarify the details of the complaint as necessary. You will be allowed the opportunity to meet with the Investigating Officer. If you wish, you may ask someone (not acting in a legal capacity) to accompany you at the meeting for support and to help you to explain the reasons for your complaint. The choice of person is your own but it may be preferable to involve someone in whom you have confidence but who is not directly connected with the school.

6. The Head Teacher/Investigating Officer will, where necessary, talk to witnesses and take statements from others involved.
7. If the complaint involves a pupil, the parent/carer should be contacted and, if interviewed, ideally a parent/carer should be present. In some cases this might not be possible and a member of staff with whom the pupil feels comfortable, for example, a learning mentor, should attend the interview. Parents should be told if their child is to be interviewed.
8. Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. However, the parties to a complaint should be aware that some information may have to be shared in order to carry out a thorough investigation.
9. Once the Head Teacher/Investigating Officer has established all the relevant facts, they will provide a written response to you. This will give an explanation of the Head Teacher/Investigating Officer's decision and the reasons for it. If follow-up action is needed, the school will indicate, where appropriate, what they are proposing to do. You may be invited to a meeting to discuss the outcome.
10. The school will aim to respond to formal complaints within **15 school days**. If this is not possible the School will write to you to ensure you are kept informed of their progress in addressing their complaint.
11. The decision at this stage will usually be final, however, if you are dissatisfied with the way in which the complaint was investigated at Stage 1 you may proceed to Stage 2, as described below. This should be done by writing to the Chair of Governors within **10 school days** of receipt of the Stage 1 letter.

## **Formal Stage 2 - Consideration by a Governors Appeal Panel**

- If you have already been through Stage 1 and you are not happy with the way in which the complaint has been handled, you may take it further to a Governors Appeal Panel. This is a formal process and the ultimate recourse at school level.
- The purpose of this arrangement is to give you the chance to present your arguments around whether the investigation has been conducted fairly and the correct procedure followed. This will be done in front of a Panel of Governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.
- The aim of the Panel is not to rehear the complaint: they will not go through the case again. It is there to review how the complaint has been investigated and to determine whether the investigation has been conducted fairly and that correct procedure has been followed. It is there to establish facts and make recommendations which will reassure you that the school has taken the complaint seriously.

**The Governors Appeal Panel operates according to the following formal procedures:**

1. The Governing Body will convene a Panel of three governors and will aim to arrange for the hearing to take place within 20 school days of receiving the request to review the process.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
3. The Head Teacher/Investigating Officer will be asked to prepare a pack of documentation detailing the process followed and the outcome for the panel. The Panel can request additional information from other sources if necessary.
4. You will be informed, at least 5 school days in advance, of the date, time and place of the hearing. We hope you will feel comfortable with the hearing taking place in the School but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, you will receive any relevant correspondence or reports regarding Stage 1 and you will be asked whether you wish to submit further written evidence to the Panel. Any additional information should be provided prior to the panel review meeting.
6. The letter will explain what will happen at the hearing and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the School. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish (not acting in a legal capacity).
7. If it is necessary in the interests of the ratifying of the investigative process, the Head Teacher/Investigating Officer may, with the agreement of the Chair of the Panel, invite relevant witnesses directly involved in matters raised by you to attend the hearing.
8. The Chair of the Panel will bear in mind that the formal nature of the hearing can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the hearing by any of the participants. If either party wishes to do so, the hearing will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The Chair of the Panel will ensure that the hearing is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the Panel's discretion and you do not have an automatic right to see or receive a copy as the minutes are the property of the Governing Body. Since such minutes usually name individuals, they are understandably of a sensitive, and therefore confidential nature.
11. Normally, the written outcome of the hearing, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the Panel is happy for the minutes to be copied to you, the Clerk can then be asked to maintain confidentiality in the minutes.
12. During the hearing, you can expect there to be opportunities for:
  - The Panel to hear you explain your case and your argument for why it should be heard at Stage 2;

- The Panel to hear the Investigating Officer's case in response;
- You to raise questions via the Chair;
- You to be questioned by the Investigating Officer through the Chair;
- The panel members to be able to question you and the Investigating Officer.
- You and the Investigating Officer to make a final statement.

13. In closing the hearing, the Chair will explain that the Panel will now consider its decision and that written notice of the decision will be sent to you and the Head Teacher within three school days. All participants other than the Panel and the Clerk will then leave.

14. The Panel will then consider the complaint and all the evidence presented in order to:

- Reach a unanimous, or at least a majority, decision on the case;
- Decide on the appropriate action to be taken, if necessary;
- Recommend, where appropriate, to the Governing Body, changes to the School's systems or procedures to ensure that similar problems do not happen again.

15. The Clerk will send you and the Head Teacher a letter outlining the decision of the Panel.

16. We will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.

### **Secretary of State Review**

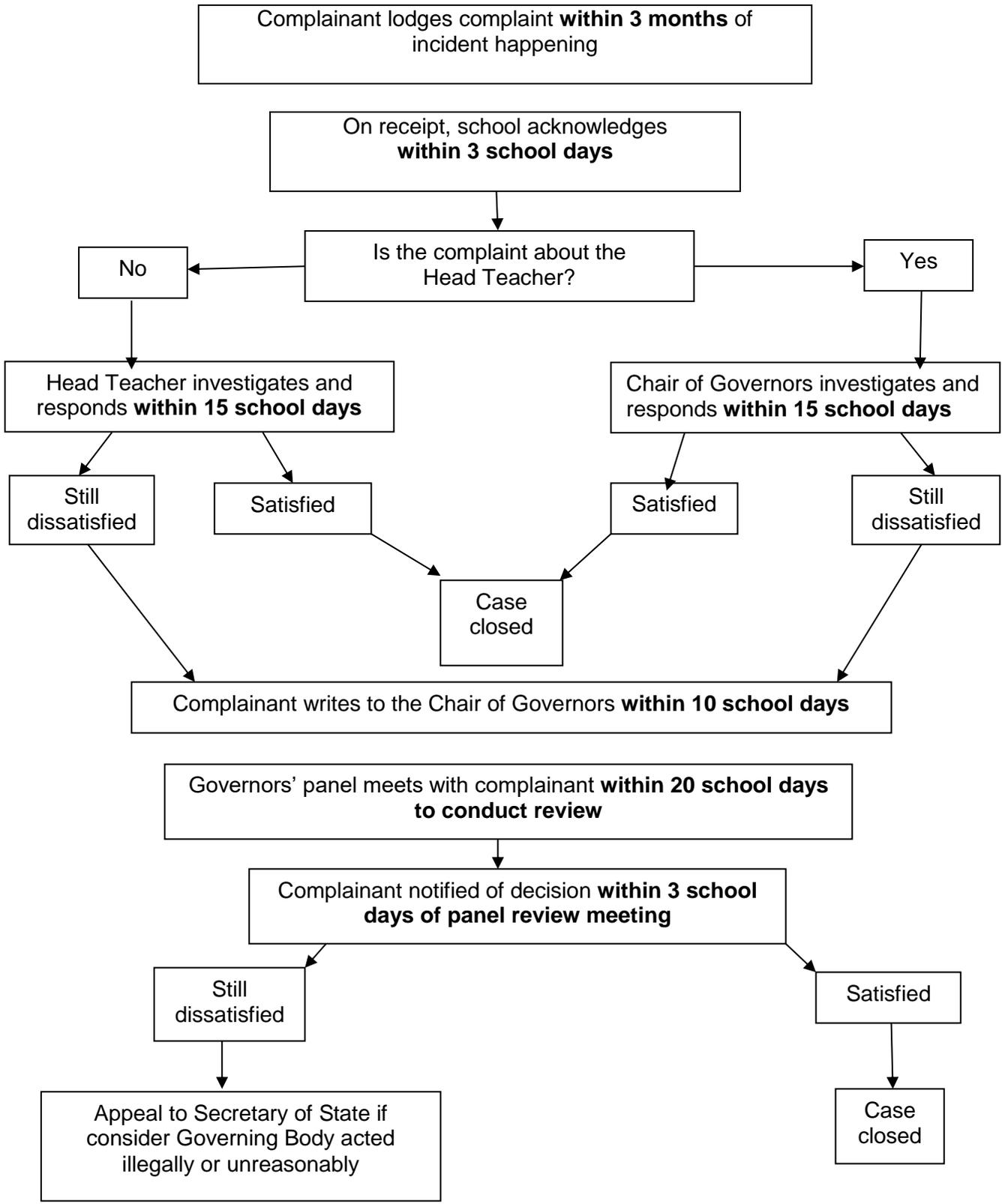
1. The final stage of appeal is to the Secretary of State for Education. Complainants should write to The School Complaints Unit (SCU) at: Department for Education, 2nd Floor, Piccadilly Gate Manchester M1 2WD.
2. If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of the school.
3. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

## **Closure of Complaints**

1. Very occasionally, the school may feel that, regretfully, we need to close a complaint despite the complainant remaining dissatisfied. The school will do all they can to help to resolve a complaint but it may simply not be possible to meet all of the complainant's wishes. Sometimes it may be a case of 'agreeing to disagree'.
2. Serial or persistent representations can detract from key responsibilities in school. For this reason the school reserves the right to close a complaint and cease correspondence where all reasonable action has been taken to resolve the complaint and the official process has been exhausted.
3. If the complainant continues to make representations to the school or attempts to re-open the same issue, then the correspondence may be recognised as vexatious and the Chair of Governors will inform them in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed. There will be no obligation on the part of the school to engage in any further correspondence.

# Appendix 1 – School Complaints Flowchart

INFORMAL STAGE	<b>Pre- complaint - dealing with concerns</b> Informal discussion between complainant and school staff. Formal complaint not accepted until this is exhausted
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## Appendix 2 – School Complaints Form

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number: Evening telephone number:</b>
<b>Please give details of your complaint.</b>
<b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>

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

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

**Signature: Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## Appendix 3 – Conducting an Investigation

The Head Teacher/Investigating Officer who has had no prior involvement with the case should:-

- Establish **what** has happened so far, and **who** has been involved.
- Contact the complainant to clarify the details of the complaint and speak to other persons as necessary. It is important to ask what the complainant feels would resolve the issue.
- Complainants will be allowed the opportunity to meet with the Investigating Officer and to be accompanied by a friend or relative to speak on their behalf or help them make their case
- Interview those witnesses involved in the matter and/or those complained of, allowing them to be accompanied if they wish.

When interviewing witnesses, the Investigating Officer should explain their role clearly and confirm the witness understands the complaint procedure and their role within it.

- They should use open, not leading questions and be careful not to express opinions in words or attitude.
- They should try to separate hearsay evidence from fact by asking interviewees how they know a particular fact and deal with conflicting evidence by seeking corroborative evidence
- If the complaint involves a pupil, their parent/carer should be contacted and, if interviewed, ideally a parent/carer should be present. In some cases this might not be possible and a member of staff with whom the pupil feels comfortable, for example, a Learning Mentor, should attend the interview. Parents should be informed if their child (ren) is to be interviewed.
- Care should be taken when interviewing children and young people, to make the atmosphere relaxed and informal.
- Before it takes place, it should be ensured that any interview with a pupil will not prejudice a Police or Local Authority Designated Officer (LADO) investigation
- The Head Teacher/Investigating Officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.

Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. Similarly, parents should also be made aware of confidentiality especially where other children are involved. However, the parties to a complaint should be made aware that some information may have to be shared in order to carry out a thorough investigation.

- Those involved in managing the complaints procedure should be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
- Complaints need to be considered and resolved as quickly, and efficiently as possible. It is important to try to keep to response times. If this is not possible, an interim letter should be sent, explaining when you will be able to respond.
- For Stage 1 complaints being investigated by the Governing Body the investigating governor may be supported by another governor, if possible, to ensure consistency, fairness and objectivity.
- Staff and governors in schools should have the opportunity to take part in training or briefings to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.

## Appendix 4 - Procedures for reviewing complaints at Formal Stage 2 – Guidance for Governors

- The governors' review panel is the last school-based stage of the complaints process.
- The panel will appoint its own chair, normally the chair or Vice-Chair of Governors. The chair of the panel will ensure that the appeal hearing is minuted.
- When the complainant asks to move their complaint to Formal Stage 2 you should ascertain if they have any further information that they wish to submit. Once the packs for the hearing are sent out, any further submissions of information should be discouraged but it is at the discretion of the panel chair whether further information will be accepted
- Complainants may be accompanied by a friend or relative to speak on their behalf or help present their case.
- Panel members should be mindful that some complainants may feel nervous and inhibited in a formal setting and the chair should ensure that proceedings are as welcoming as possible.
- Extra care should be taken where a child attends the panel hearing to ensure the child does not feel intimidated and that their views are respected.
- Where a child is the complainant or attending the hearing in any other capacity, the panel should ask in advance if any support is needed for them to be able to present information at the panel hearing.
- The conduct of the panel meeting will be at the discretion of the chair, but the following format is recommended:
  - The complainant puts forward why they are dissatisfied with the Stage 1 investigation.
  - The Investigating Officer at Stage 1 goes through the process of investigation that led to their conclusions.
  - Either party can ask questions, when invited to do so by the chair
  - The panel can ask any questions of the complainants or the Head Teacher/Investigating Officer.
- The panel will:
  - reach its decision
  - decide on appropriate action
  - consider any recommendations it will make to review or change school policies or procedures
- The purpose of the panel hearing at Stage 2 is to consider whether the complaint was investigated fairly and objectively at Stage 1. The panel will only ever be able to

recommend a review of the decision at Stage 1 if it decides that the complaint was not investigated fairly, e.g. if an essential witness was not interviewed.

- Complaints should not be shared with the whole Governing Body at early stages, except in very general terms, in case an appeal panel needs to be organised.
- If the whole Governing Body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help, the customer relations service or local governor services team at the LA, or the diocese.
- Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately the decision is made by the governors; it must be stressed that this approach must only be used after all other avenues have been exhausted.
- It is advisable for governing bodies to elect a complaints panel at the start of the year to avoid this situation arising.
- If the panel considers that the initial investigation at Formal Stage 1 is incomplete and that this throws doubt over the final decision, it can direct additional or re-investigation of those areas it determines. In this case, the Formal Stage 2 proceedings will be suspended to enable the complaint investigator to properly complete the Stage 1 investigation and report their findings and conclusions to the complainant and the panel.
- The panel will then reconvene at the earliest possible date to reopen the hearing and bring it to a conclusion, subject to the new information.

## Appendix 5 - Complaints Subject to Statutory Procedures

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> </ul>	Concerns should be raised direct with local authorities. For school admissions, it will depend on who is the admission authority (either the school or the local authority). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"> <li>• Statutory assessments of Special Educational Needs (SEN)</li> </ul>	Contact Leeds City Council Complex needs service tel: 0113 395 1030
<ul style="list-style-type: none"> <li>• School re-organisation proposals</li> </ul>	Contact Leeds City Council educ.school.organisation@leeds.gov.uk
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	If you have a concern as a practitioner please call the Social Care Duty & Advice team on: 0113 376 0336 (9am to 5pm) or the Emergency Duty team on 0113 240 9536 (out of office hours).
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	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> .
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service.

The Head Teacher will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the local authority on any such issues either by contacting customer relations on 0113 37 85111.

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint the complaints procedure should be suspended until the statutory procedure has been concluded.

# Further information

## Useful resources and external organisations

- National Governors Association

## Other relevant departmental advice and statutory guidance

- Section 29 of the Education Act 2002
- Governors Handbook

## Other departmental resources

- Department for Education Best Practice Advice for School Complaints January 2016
- Leeds City Council Complaints Toolkit for Schools Revised July 2016.