



COMPLAINTS POLICY

Statement on school website (concerns and complaints procedure summary)

We hope that your child is happy at our school. Occasionally, however, a problem may arise. We hope that we will be able to resolve any concern speedily, in a helpful, informal manner. We accept that on occasions our initial attempts to resolve an issue may be unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. For these occasions, our staged complaints procedure should be followed. This approach has been created to ensure that all problems and difficulties can be resolved.

Important definitions:

- 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”*.

Concerns

The general procedure for dealing with **concerns** of any kind is summarised as follows:

- 1) In the majority of circumstances, the matter should be raised with the class teacher.
- 2) If a satisfactory conclusion is not felt to have been achieved, then an appointment should be made with the Phase Leader, Deputy Headteacher or Headteacher, details of whom can be obtained from school offices. This meeting should take place as soon as possible and normally within three school days of the initial conversation with the class teacher.
- 3) Occasionally, the person raising the concern may be of the view that the issue should go directly to one of the senior professionals at the school. If this is the case the matter should be raised in the first instance with the Deputy Headteacher or the Headteacher.
- 4) If a satisfactory conclusion is not reached after a meeting with the Deputy Headteacher or the Headteacher, a second, follow-up meeting can be requested. This should take place within five school days of the request.

Complaints

If a concern is raised and the matter remains unresolved following this process, or if the person raising the concern does not want to exhaust the concerns procedure (for example by seeing no value in requesting a second informal meeting), the person may invoke the complaints procedure.

In addition, the complaints procedure may be invoked without following the concerns procedure at all if the matter is deemed sufficiently serious for that to be appropriate and reasonable.

To invoke the complaints procedure, the complainant should submit a formal letter of **complaint** to the school as detailed below. All such correspondence should be marked ‘confidential’, sealed and delivered via the Key Stage 1 office.



- a) Complaints about members of staff other than the Headteacher should be addressed to the Headteacher.
- b) Complaints against the Headteacher should be addressed to the Chair of Governors.
- c) Complaints about a single governor should be made to the Chair of Governors.
- d) Complaints against the Chair of Governors should be made to the Clerk to Governors.
- e) Complaints about chair and vice-chair of governors jointly or the majority or all of the governing board should be addressed to the Clerk to Governors.

You can read a copy of our complaints procedure [HERE](#).

Overview and principles

This policy sets out how concerns and complaints by parents, carers or members of the general public about the actions (or inactions) of individual members of staff, including the Headteacher, will be dealt with. It does not cover concerns or complaints by employees about other colleagues. Employees wishing to raise a concern or complaint about other colleagues should follow the employee grievance procedure.

Scope

The school intends to resolve concerns informally where possible and at the earliest possible stage. There may be occasions when concerned persons would like to elevate their concerns formally as a complaint or where a matter is sufficiently serious that it is appropriate to raise it as a complaint at the outset. This policy outlines the procedure relating to handling such complaints. This policy does **not** cover complaints relating to:

- admissions
- statutory assessments of special educational needs (SEN)
- safeguarding matters
- exclusion
- whistle-blowing
- staff grievances
- staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling concerns or complaints from parents of children with special educational needs and disabilities (SEND) about the school's support are within the scope of this policy. Concerns about such matters should first be made to the Headteacher; they will be referred to the complaints procedure if satisfactory resolution is not possible. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Principles when dealing with concerns or complaints

Our procedures will:



- whenever possible encourage resolution of problems by informal means
- be simple, easily accessible and published on the school website
- be impartial and non-adversarial
- allow swift handling, with established time limits for action and ensure people are kept informed of progress
- ensure a full and fair investigation by independent persons where necessary
- respect people's wish for confidentiality wherever possible
- address all the points at issue and provide an effective response and appropriate redress where necessary
- treat those with a concern or complaint with respect and courtesy
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- at any complaint stage, keep complainants informed of the progress of the process
- consider how the complaint can feed into school improvement evaluation processes
- provide information to the school's Leadership Team so that services can be improved
- aim to give a complainant the opportunity to complete the complaints procedure in full
- ensure we publicise the existence of this policy and make it available on the school website
- be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

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), including the model procedure and model procedure for dealing with unreasonable complaints.

Procedure in full

Concerns

In the majority of cases any **concern** should be raised with the class teacher.

If it is felt that a satisfactory conclusion has not been achieved, then an appointment should be made with the Phase Leader, Deputy Headteacher, or the Headteacher. This meeting should take place as soon as possible, and normally within three school days of the initial conversation with the class teacher.

Occasionally, the person raising the concern may be of the view that the issue should go directly to one of the senior professionals at the school. If this is the case the matter should be raised in the first instance with the Deputy Headteacher or the Headteacher and an appointment arranged with them.



If following this meeting it is still felt that a satisfactory conclusion has not been reached then the person raising the concern may either:

- request a further meeting, with the Deputy Headteacher or Headteacher; or
- make a **complaint** in writing.

In the event of a request for a meeting with the Deputy Headteacher or Headteacher, this should take place within five school days of the request.

School's response to a concern

It is in everyone's interest that concerns are resolved as quickly as possible. The sensitive handling of the initial concern will be crucial in determining whether the issue will escalate. Where the concern is found to be valid in whole or in part, this will be acknowledged, along with one or more of the following if appropriate:

- an apology
- an explanation
- an admission that the situation could have been handled differently
- an assurance that the school will do everything in its power to ensure that the issue complained about will not reoccur
- an explanation of the steps that will be taken to avoid it happening again
- an undertaking to review any relevant school policies in the light of the concern.

If a member of staff directly involved feels unable to deal with the concern objectively, the matter may be referred to another member of staff. The ability to consider the concern impartially is crucial.

Complaints

Raising a complaint

All complaints should be addressed to the relevant party as detailed below, marked 'confidential', sealed and delivered via the Key Stage 1 office.

Complaints about members of staff other than the Headteacher should be addressed to the Headteacher.

Complaints against the Headteacher should be addressed to the Chair of Governors.

Complaints about a single governor should be made to the Chair of Governors.

Complaints against the Chair of Governors should be made to the Clerk to Governors.

Complaints about chair and vice-chair of governors jointly or the majority or all of the governing board should be addressed to the Clerk to Governors.

If a complainant is in any doubt about where to direct their complaint, they should ask the office staff, who will then make the necessary arrangements or advise the complainant about what steps to take.



Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. 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. When complaints are made out of term time, we will consider them to have been received on the next school day. The recipient of the complaint notice will acknowledge it in writing within five school days.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- set new time limits with the complainant
- send the complainant details of the new deadline and explain the delay.

Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- follow these procedures
- co-operate with the school throughout the process, and respond to deadlines and communication promptly
- treat all those involved with respect
- do not publish details about the complaint or the school's response to any complaint, including on any messaging platforms, as this could prejudice any investigation into the matter by the school

The investigator

An individual will normally be identified who will look into the complaint and establish the facts. Sometimes this will be the person adjudicating the complaint, although it may be someone the adjudicator appoints to act solely as investigator.

When investigating a complaint, we will try to clarify:

- what has happened
- who was involved
- what the complainant feels would put things right.

At each stage, the investigator will:

- establish what has happened so far, and who has been involved
- consider records and any written evidence and keep these securely
- clarify the nature of the complaint and what remains unresolved
- offer to meet with the complainant



- clarify what the complainant feels would put things right
- interview those involved and/or those complained about and allow them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to be persistent in the questioning
- keep notes of all interviews
- where the investigator is not the adjudicator, prepare a comprehensive report to the Headteacher, Chair of Governors and/or other adjudicating governor or panel of governors, as appropriate, which includes the facts and potential solutions for consideration.

Stage 1: investigation and decision

Complaints about members of school staff other than the Headteacher will be investigated by the Headteacher or, at the Headteacher's request, another member of the Senior Leadership Team (the Deputy Headteacher or a Phase Leader). Whilst the Headteacher may delegate the investigation as detailed, the decision on the complaint will be taken by the Headteacher.

The adjudication of a complaint made against the Headteacher will be taken by a suitably-skilled and impartial governor who may decide to investigate the matter themselves or appoint another appropriate governor to act as investigator.

The adjudication of a complaint about a single governor, other than the Chair or Vice Chair of Governors, will be undertaken by the Chair or Vice Chair of Governors or will be delegated to a suitably-skilled and impartial governor at the request of the Chair and Vice Chair. That person may decide to investigate the matter themselves or appoint another appropriate governor to act as investigator.

The adjudication of a complaint about the Chair of Governors will be undertaken by a suitably skilled and impartial governor. That person may decide to investigate the matter themselves or appoint another appropriate governor to act as investigator.

The investigation into a complaint about Chair and Vice-Chair of Governors jointly or the majority or all of the governing board will be led by an independent investigator, appointed by the governing board. They will write a formal response at the end of their investigation. The Clerk to Governors will then arrange for the complainant to be heard by a panel of independent governors sourced from the local authority.

After considering the available evidence, the person or panel considering the complaint may:

- uphold the complaint and direct that certain action be taken to resolve it;
- reject the complaint in its entirety;
- uphold the complaint in part: in other words, they may find one aspect of the complaint to be valid, but not another aspect. They may direct that certain action to be taken to resolve the aspect that they find in favour of the complainant.



Such decision will be taken and notified to the complainant within 15 school days of the date of acknowledgement of the complaint.

Stage 2: Escalation to Review Panel

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's Review Panel, made up from a minimum of three non-staff governors. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of the date of the Stage 1 response. The Review Panel may elect to commission a further investigation. The meeting will be convened within 20 school days of the date of receipt of the request to escalate.

The complainant and representatives from the school, as appropriate, will have an opportunity to set out written or oral submissions prior to the panel meeting. The complainant will be allowed to attend the meeting and may be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

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 will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and 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 outcome

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- decide the appropriate action to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Review Panel will inform those involved of the decision in writing within five school days.

Referring complaints on completion of the school's procedure



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>

We will include this information in the outcome letter to complainants.

Dealing with and managing serial and unreasonable complaints

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

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

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



- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media, messaging platforms or other public forums

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

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

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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site (see Appendix 1).

Steps we will take

In cases involving unreasonable behaviour by the claimant, we will nonetheless take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible. If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- give the complainant a single point of contact via an email address
- limit the frequency a complainant can make contact, such as a fixed number per term
- ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- we believe we have taken all reasonable steps to help address their concerns
- we have provided a clear statement of our position and their options



- the complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:

- tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- direct them to the LA if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- publishing a single response on the school website
- sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Record keeping

The process of listening to and resolving complaints can contribute to school improvement.

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 include copies of letters, emails, 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 or adjudicating 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 through a subject access request 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 securely, only for as long as necessary and in line with data protection law. 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.

Recording meetings

When there are communication difficulties, a decision may be taken to use recording devices to ensure the complainant is able to access and review the decisions at a later point. All parties should agree in advance to being recorded. We will refuse to accept as evidence recordings of conversations obtained covertly or without the informed consent of all parties being recorded.

Communicating the outcome

We will inform the complainant of the conclusion and the reasons for any decisions in writing, along with any further rights of appeal.

Learning lessons

The governing body 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.

Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. They will also track the number and nature of complaints, and review any underlying issues.

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Appendix 1:

Barring individuals from school premises

Schools are private property. People do not have an automatic right to enter. Parents have an 'implied licence' to come on to school premises at certain times, for instance:

- for appointments
- to attend a school event
- to drop off or pick up younger children

Anyone coming onto school premises outside of these times and without permission would be trespassing.

Trespassing is a civil offence. This means that schools can ask someone to leave and take civil action in the courts if someone trespasses regularly.

Schools can bar someone from the premises if they feel that their aggressive, abusive or insulting behaviour or language is a risk to staff or pupils. It is enough for a member of staff or a pupil to feel threatened.

The school should tell an individual that they've been barred or they intend to bar them, in writing. Letters should usually be signed by the Headteacher, though in some cases the local authority may wish to write instead. The individual must be allowed to present their side. A school can either:

- bar them temporarily, until the individual has had the opportunity to formally present their side
- tell them they intend to bar them and invite them to present their side by a set deadline

After the individual's side has been heard, the school can decide whether to continue with barring them. The decision should be reviewed within a reasonable time, decided by the school.

The Department for Education (DfE) does not get involved in individual cases.

Removing individuals from school premises

Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without legal permission to cause or permit a nuisance or disturbance. Trespassing itself does not constitute a criminal offence.

To have committed a criminal offence, an abusive individual must have been barred from the premises or have exceeded their 'implied licence', then also have caused a nuisance or disturbance.

If a school has reasonable grounds to suspect that someone has committed an offence, then they can be removed from the school by a police officer or a person authorised by the appropriate authority such as:

- the governing board
- the local authority.