



**SWINEMOOR
PRIMARY SCHOOL**

Swinemoor Primary School

Complaints Policy

Introduction

This policy aims to reassure parents/carers and others with an interest in the school that:

- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution;
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school practices and provision for pupils.

Concern or complaint?

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

Initially a **concern** raised by a parent or guardian will be handled by a member of office staff or a class teacher. If you are not satisfied with the outcome this can be referred to a member of the Senior Leadership Team (SLT). Should a resolution still not be found at this stage, any further activity on the matter will be considered by the school to be a formal complaint. The protocol for handling formal complaints is detailed in this policy.

The vast majority of concerns can be resolved by a conversation with the class teacher or a member of the office staff, occasionally with a member of SLT present. It is in everyone's best interests that these are resolved at the earliest possible stage. This can usually be achieved through discussion and good communication. It is really important, and often in everyone's best interests if a concern can be resolved in this manner, without going through the formal process which takes a lot of time, resources and paperwork. However, if you are not satisfied with the outcome, a formal procedure of complaint (as outlined in this policy) would then need to be followed when attempts to resolve the issue are unsuccessful.

The procedure described does not include complaints covered by a separate statutory procedure, for example: complaints about the National Curriculum; school admission decisions; statutory assessments of Special Educational Needs (SEN); school re-organisation procedures; matters likely to require a Child Protection



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investigation; pupil exclusions decisions; whistleblowing; staff grievances and procedures; complaints about services provided by other providers who may use school premises or facilities.

Schools have their own policies that have been agreed by their governing body. You should check which policy is relevant to your concern before proceeding with a complaint.

For complaints to be investigated fully you need to give full information and not make them anonymously. The school will not investigate anonymous complaints under the procedure outlined in this policy. Anonymous complaints will be referred to the Head Teacher who will decide what, if any, action is to be taken.

Vexatious, Persistent or Serial Complaints

There may be occasions when, despite exhausting the procedures in this policy, the complainant persists in making the same complaint to the school. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the school's time and resources to deal with it under the formal stages of the procedure. In all of these cases, the school reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedures set out in this policy **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**

We will not normally limit the contact complainants have with the 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, threatening or offensive. Complainants should limit the number of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent, in any requested format, as it could delay the outcome being reached. If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who aggressively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school site under section



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547 of the Education Act 1996. If you do not comply with this ban, you will be guilty of causing a nuisance or disturbance on educational premises. This is a criminal offence. If you were to commit this offence, you would be liable to prosecution in the magistrates' court. If you were to be convicted, you would be liable to a fine and a criminal conviction.

Where the school decides that a complaint is vexatious and/or repeated and will not be investigated, the school will write to the complainant within **5 school days** of the complaint being raised to notify them of the decision.

If the complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of Governors to ask for the decision to be reviewed. The Chair of Governors will be provided with all the documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the school to the complainant, and will review the decision made. The Chair of Governors will write to the complainant with the outcome of the review within **20 school days** of the date of the letter from the complainant seeking the review was received.

If the Chair of Governors quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under the procedure in this complaints policy in the usual way.

If the Chair of Governors upholds the decision not to investigate the complaint, the complainant may refer the complaint to a panel of governors using the procedure stated towards the end of this complaints policy.

What can you expect?

- There are set response times for each stage of the formal complaints procedure.
- Conversations and correspondence should be handled with discretion, but you need to be aware that some information may have to be shared with others involved in the procedure.
- Raising a concern or making a complaint should not affect the relationship between the school and you or your child.
- When investigating your concern the school should talk to your child, witnesses and others involved quickly.



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- The school and the governors have a duty to act properly and investigate complaints impartially. Once investigations are complete the person making the complaint should receive a written response from the school **within 20 school days**. **Please note that any complaint received within one month of the end of term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be properly undertaken. As a result, the time frame for a formal complaint which falls within one month of the end of term, may last the duration of the school holidays.**

Advice

- Schools are very busy so please make an appointment for discussion through the school office. It helps to outline the purpose and how long you think you may need with the staff member/head teacher. Cover all the relevant points, but be as brief as you can. Avoid writing long letters or emails. Make it easy to read by using bullet points or headings. Include dates, times, names etc and explain clearly what your complaint is, what effect the issue is having on your child or you and what you would like to see happen. Keep it factual and avoid hearsay and/or making judgements. If more information is needed from you the person investigating your complaint will contact you.
- Try to keep calm! Progress and resolution is much more likely when the complainant remains calm. This enables you to make your point more clearly and you are able to listen when school responds. Confrontation can lessen the chance of this happening
- Parents and carers often find it useful to ask “what happens next?”

Resolving a Concern or Complaint

It is in everyone's interest that concerns and complaints are resolved methodically and without undue delay. At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:



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- An explanation
- An apology
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- Reassurance that the school will undertake a review of its policies and procedures in light of the complaint

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school.

Examples of outcomes for all concerns and complaints may include:

- Insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The evidence did not substantiate the concern, so the complaint cannot be upheld;
- The complaint is substantiated in part or full. A brief description will be given of the remedial action taken by the school as a consequence of the complaint. Details of the investigation of or any disciplinary sanctions to be taken against a member of staff or pupil cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

Complaint against a member of staff

- The complaint procedure is distinct from any formal disciplinary proceedings for staff. If a complaint did result in a disciplinary procedure, then the complaint would be put on hold and you should be advised of the delay and updated every three weeks.
- If a complaint is made against a member of staff or governor they will be informed and have the opportunity to respond.

The governing body will form a complaints panel as described below:

- If you feel that speaking with teaching staff or members of the SLT has not resolved your concern to your satisfaction and you write to the school in the manner described above the school will consider your submission as a formal complaint and acknowledge this in writing, following the procedures detailed below. Parents/carers who wish to pursue a complaint regarding a school issue can refer the complaint to a review committee of governors,



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known as a complaints panel. This should be formed from at least three people who have had no prior involvement with the complaint.

Complaint Procedure

Stage 1. Informal Concern Raised

Your expression of concern should be made to the school at the earliest opportunity. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

First talk to the teacher most closely concerned to clarify the facts and resolve through discussion. A request for discussion with a senior member of staff member may also be desirable before making a formal complaint.

Stage 2: Formal Complaint to the Head Teacher

If you are not satisfied with the outcome at Stage 1 you may wish to make a formal complaint, using the form in Appendix 1. This should be done in writing to the head teacher. Your complaint should be acknowledged within **5 school days**.

The investigation should be carried out and the outcome communicated to you **within 20 school days**. The written response should include a full explanation of the decision and the reasons for it (if additional time is required to formulate a response this should be explained to you). Where appropriate the response should include what action the school will take to resolve it.

The head teacher may delegate the task of collating the information to another member of staff but not the decision on the action to be taken.

Once a decision has been reached, the head teacher should ensure that you are clear about the action taken and what to do if you remain dissatisfied (see below).



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When the head teacher receives your written complaint, they may decide to refer the matter immediately to a governing body complaint panel.

If the complaint is about the head teacher, the matter should be referred to the Chair of governors of the school.

If the complaint is about the chair of governors or any individual governor, the matter should be referred to the Clerk of the governing body.

Stage 3: Formal Complaint to the Chair of Governors

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further. At this stage the complaint will be considered by the Chair or the Vice Chair, dependant on availability. The letter should set out the complaint that has previously been formally discussed with the head teacher and show why the matter is not resolved.

Complaints rarely reach this formal level but should you need to, you can make the formal complaint to the chair of governors within **10 school days** of the decision from the school. This needs to be sent in a sealed envelope via the school office; for the attention of the chair of governors. Your complaint should be acknowledged within **20 school days**.

A written response should be received within **20 school days** and include a full explanation of the decision and the reasons for it (if additional time is required to formulate a response this should be explained to you).

Stage 4: Formal Complaint to the Governing Body Complaints Appeal Panel

If the complainant is still not happy with their response, the chair will then, if deemed necessary, request that the complainant write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.



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Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These will include:

- following the procedures detailed below;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals are detailed below. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

The remit of The Complaints Appeal Panel

The panel can:

- 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.

There are several points which any governor sitting on a complaints panel needs to remember:

1. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.



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3. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that all parties are informed that they will be heard in full.
4. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
5. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and responsibilities

The role of the clerk

The department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

The role of the Chair of the Governing Body or the nominated governor

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.



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The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in a calm and open manner;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the panel's decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); **within 20 school days**

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

Stage 4: Final Complaint Stage

If all attempts to resolve the complaint have been unsuccessful, for most schools you may refer your complaint to the Secretary of State for Education at the Department for Education (DfE), Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. For more information, please

visit: <https://www.gov.uk/government/organisations/department-for-education>



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The School Complaints Unit (SCU) is unlikely to investigate individual issues but will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The 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 schools.

If legislative or policy breaches are found, the 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 formal direction being issued by the Secretary of State.

December 2021



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School Complaints Form

Please complete and return to Mr L. Myers who will acknowledge receipt and explain what action will be taken.

Your Name:
Pupil's Name(s) (if relevant):
Your relationship to the pupils (if relevant):
Address:
Postcode:
Contact Number:
Details of your complaint:



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<p>Action taken, if any to resolve your complaint already: (Who did you speak to and what was the response)</p>	
<p>Please detail the actions you feel might resolve the problem at this stage:</p>	
<p>Please indicate details of any paperwork you are attaching to support your complaint:</p>	
<p>Signed:</p> <p>Date:</p>	<p>Official Use Only:</p> <p>Date Acknowledgement Sent:</p> <p>By Who:</p> <p>Complaint Referred to:</p>