

Sherwood Primary School

Complaints Policy



February 2023

# Sherwood Primary School

## Policy and Procedures for the Handling of Complaints



### Introduction and Scope

#### **We care about what you think**

The Policy of this School is to work in partnership with parents/carers and the wider community. Therefore any person, including members of the public, can make a complaint. We try hard to do our best for all our pupils/students. Your views help us plan for the future. We like to know when things are going well. We also want parents/carers to tell us about their worries, concerns or complaints as soon as possible. It is much easier for the school to sort out a recent problem than something that happened some time ago.

#### **Our commitment to you**

- We will deal with your concern or complaint in a professional manner.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if the school has made a mistake.
- We will tell you what we are going to do to put things right.

#### **What to do first**

If you have a concern about anything we do you can tell us by telephone, in person or in writing. If any of these are difficult for you, a friend or advocate can speak to the school on your behalf. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. We take our duties under equality law seriously and we encourage any person having difficulty accessing this procedure to contact us immediately in order that reasonable adjustments can be made.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at the Review Stage of the procedure.

Try to go to the member of staff involved or your child's class teacher (primary and nursery schools who will either deal with your issue or pass you on to someone who is more able to help.

Please remember that the beginning or end of the school day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be prepared for them to make an appointment to see you/to ring you at a more convenient time.

In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "6(ii)" will be followed. Where your concern or complaint is considered sufficiently complex or serious, the school may choose to investigate formally from the outset.

## What is a concern or a complaint?

(a) A concern or a complaint is defined as:

- An expression of dissatisfaction about the conduct/operation of the School.
- The conduct of, actions or lack of actions by a member of staff/the Governing Board/an individual governor.
- Unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.

(b) This procedure does not cover complaints or concerns that are dealt with under other statutory procedures, including those listed in the following table, as separate procedures apply.

### **Note**

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. The table following is not exhaustive, and separate procedures may exist for other categories.

For complaints regarding governors, the school will follow this Policy to resolve the issue.

These procedures do not cover	Who to contact
<b>Admissions to schools</b> <b>Appeals for schools</b>	Concerns about admissions/appeals, should be raised with Lancashire County Council (Pupil Access Team) Email: <a href="mailto:ESCPupilAccessCentral@lancashire.gov.uk">ESCPupilAccessCentral@lancashire.gov.uk</a> Tel: 0300 123 6707
<b>Inclusion Service:</b> <b>Statutory assessments of Special Educational Needs and Disabilities (SEND)</b>	Concerns about Special Educational Needs and Disabilities, should be raised with Lancashire County Council Tel: 0300 123 6706 Email: <a href="mailto:enquiries@lancashire.gov.uk">enquiries@lancashire.gov.uk</a>
<b>School reorganisation proposals</b>	Concerns school re-organisation proposals should be raised with Lancashire County Council (School Place Planning Team) Email: <a href="mailto:schoolplanning@lancashire.gov.uk">schoolplanning@lancashire.gov.uk</a>
<b>Child Protection Investigation</b>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).            Email: <a href="mailto:MASHeducation@lancashire.gov.uk">MASHeducation@lancashire.gov.uk</a></p>
<b>School Exclusions *</b>	<p>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>.</p> <p>Concerns about exclusions should be raised with Lancashire County Council (Pupil AccessTeam)            Email: <a href="mailto:ESCPupilAccessCentral@lancashire.gov.uk">ESCPupilAccessCentral@lancashire.gov.uk</a>            Tel: 0300 123 6707</p> <p>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please refer to the school's behaviour policy which is located on the school website.</p>

These procedures do not cover	Who to contact
<b>Whistleblowing</b>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to Lancashire County Council or the Department for Education depending on the substance of your complaint  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>  <a href="mailto:Complaintsandfeedback@lancashire.gov.uk">Complaintsandfeedback@lancashire.gov.uk</a></p>
<b>Staff grievance procedures</b>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<b>Staff conduct</b>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<b>Complaints about services provided by other providers who may use school premises or facilities</b>	<p>Providers should have their own complaints procedure to deal with complaints about their service. Please contact them direct.</p>
<b>National Curriculum content Early Years Foundation Stage Statutory Framework Collective worship Sex Education</b>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
<b>Unauthorised absence fines</b>	<p>Please contact Lancashire County Council Tel: 0300 123 701</p>
<b>Freedom of Information Data Protection (GDPR)</b>	<p>Data Protection Officer at the school and if this remains unresolved the Information Commission Office Tel: 0303 123 1113  Email: <a href="mailto:dataprotectionfee@ico.org.uk">dataprotectionfee@ico.org.uk</a></p>
<b>Functions of the County Council</b>	<p>Complaints and Appeals Team  Legal and Democratic Services  County Hall  Preston  PR1 8XJ  Tel: 0300 1236701  Email: <a href="mailto:Complaintsandfeedback@lancashire.gov.uk">Complaintsandfeedback@lancashire.gov.uk</a></p>

## Anonymous Complaints

The School will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered.

## Unreasonable Complaints

There is a right to raise a complaint against a school and an expectation that the individual will exhaust the School's procedures. If the individual contacts the school again with the same issue, this could be seen as unreasonable and the school may choose not to respond.

The school should seek advice from Governor Services and their Legal Adviser, prior to taking the decision not to progress the complaint further. The school should not stop responding to a complaint because an individual is viewed as difficult to deal with or asks complex questions. The school may refuse to respond to the subject matter but not the correspondent.

The DfE provide additional guidance in 'Best Practice Guidance for School Complaints Procedures' (January 2019 and updated in March 2019).

See: <https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>

## Making a complaint

The school expects that the majority of complaints to be made within three months of the incident being complained of. The school will consider complaints beyond this time frame in exceptional circumstances only.

Dependent on the type of complaint, the following table is a guide to whom it should be referred to:

<b>Type of Complaint:</b>	<b>Contact the:</b>
Something that has happened, or failed to happen, in School	Class Teacher
The actions of the class teacher	Headteacher via the school
The actions of the Headteacher	Chair of Governors via the school
The actions of a governor	Chair of Governors via the school
Action of the Chair of governors	Vice Chair at the School
Actions of the Governing Board	Clerk to the Governing Board

## Roles and Responsibilities of the Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect and

- refrain from publicising the details of their complaint on social media and respect confidentiality.

The School /Governing Board would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and a review stage if matters cannot be resolved.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where it is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of the school staff or a governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

## The Complaint Procedure

### Informal Stage

The school will seek to resolve complaints informally by email, telephone call, brief meeting as appropriate. If the complaint is unable to be resolved at this stage, the school will ask you to put your concerns or complaint in writing and the 'Formal Stage' of the procedures will commence from the date that the letter is received by the school.

If the school has not heard from you within 20 school days, it will assume that you do not want to take things any further and the complaint will be closed.

For concerns regarding the Headteacher, the complainant should put the complaint in a sealed envelope marked 'private and confidential' and addressed to the Chair of Governors via the School. Under Data Protection legislation, the school is not permitted to provide the personal details of the Chair of Governors, but the School will forward the envelope to Chair as soon as possible.

### Formal Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will aim to provide a formal written response within 20 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Sherwood Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body or. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Formal Stage 2**

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 complaints committee, which will be formed of the first three, impartial, governors available. 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 receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 25 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Sherwood Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

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

The Chair of the Committee will aim to provide the complainant and Sherwood Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Sherwood Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Sherwood Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

**This concludes the School's Complaints Procedure.**

## Withdrawal of a Complaint

If the complainant wishes to withdraw their complaint at any time, they will be asked to confirm this **in writing**.

## The Role of the Local Authority or Diocesan/Church Authority

The role of the Local Authority (LA) (and/or the Diocesan/Church Authority for church schools) is prescribed by legislation. In responding to complaints about schools, the LA (Diocesan/Church Authority) will explain to the complainant:

- That schools are self-managing and are responsible for administering procedures that deal with complaints made against them.
- The appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk, as appropriate.
- The school may seek advice and support from the appropriate Local Authority Officer or the School's Adviser.

## Social Media

Whilst the school accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff or governors.

## Calculation of time

All references in this Policy to 'days' should be taken to mean school days and therefore will not include weekends, school holidays or INSET days.

## Next stage

After closing a complaint, should the school receive a duplicate complaint, (e.g. from a spouse; partner, a grandparent, child etc), about the same subject the school will inform the new complainant that the school has already considered that complaint and the local process is complete. The complainant can contact the Department for Education (DfE) if they are dissatisfied with the school's handling of the original complaint.

However, if there are any new aspects to the complaint, the school will investigate and deal with this under the complaints procedure.

If the original complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education **after** they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: **0370 000 2288** or by writing to:

### **Department for Education**

#### **School Complaints Unit**

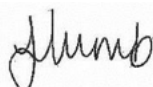
Piccadilly Gate, Store Street  
Manchester. M1 2WD

## Approval and Review

Approval Date: February 2023

Review Date: November 2026

Signed (Headteacher):



Signed (On behalf of the Governing Body):

