**Swain House Primary School**

**Complaints policy**

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**May 2024**

**This policy was discussed, reviewed and agreed by the Governing Body on Thursday 2nd May 2024**

**This policy will be reviewed in May 2025**

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1. **Aims**

Every well governed and well managed school will from time to time have to deal with complaints. Governors will know that most parental concerns and complaints are resolved informally by the school staff and Headteacher. Comparatively few complaints lead to a formal process, but some do, and Governors must be sure that informal and formal procedures are in place, understood and followed.

The school’s complaint procedure is devised with the intention that it will:

* usually be possible to resolve problems by informal means
* be simple to use and understand
* treat complaints confidentially
* allow problems to be handled swiftly
* inform future practice so that the problem is unlikely to recur
* reaffirm the partnership between parents, staff and Governors as they work together for the good of the pupils in the school
* ensure that the school’s attitude to a pupil would never be affected by a parental complaint
* discourage anonymous complaints
* actively encourage strong home-school links
* ensure that all staff have opportunities to discuss and understand the school’s response to concerns and complaints made by parents
* ensure that any person complained against has equal rights with the person making the complaint
* regularly review its system for monitoring concerns and complaints received from parents

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

* Be impartial and non-adversarial
* Facilitate a full and fair investigation by an independent person or panel, where necessary
* Address all the points at issue and provide an effective and prompt response
* Respect complainants’ desire for confidentiality
* Treat complainants with respect and courtesy
* Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
* Keep complainants informed of the progress of the complaints process
* Consider how the complaint can feed into school improvement evaluation processes

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

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

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

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

1. **Legislation and guidance**

This document meets the requirements of section 29 of the [Education Act 2002](http://www.legislation.gov.uk/ukpga/2002/32/section/29), 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](https://www.gov.uk/government/publications/school-complaints-procedures) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2) with regards to dealing with complaints about the school’s fulfilment of Early Years Foundation Stage requirements.

1. **Definitions and scope**

**3.1 Definitions**

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

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

**3.2 Scope**

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

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

This policy does not cover complaints procedures relating to:

* Admissions
* Statutory assessments of special educational needs (SEN)
* Safeguarding matters
* Suspension and permanent exclusion
* Whistle-blowing
* Staff grievances
* Staff discipline
* School re-organisation proposals
* Curriculum
* Collective worship

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

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

1. **Roles and Responsibilities**

**4.1 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
* Ask for assistance as needed
* Treat all those involved with respect
* Do not publish details about the complaint on social media
  1. **The investigator**

An individual will be appointed to look into the complaint and establish the facts. They will:

* Interview all relevant parties, keeping notes
* Consider records and any written evidence and keep these securely
* Prepare a comprehensive report to the Headteacher or complaints committee, which includes the facts and potential solutions
  1. The complaints co-ordinator

The complaints co-ordinator can be:

* The Headteacher
* The designated complaints Governor
* Any other staff member providing administrative support
* The complaints co-ordinator will:
  + Keep the complainant up to date at each stage in the procedure
  + Make sure the process runs smoothly by liaising with staff members, the Headteacher, Chair of Governors, clerk and Local Authority
* Be aware of issues relating to:
  + Sharing third-party information
  + Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
* Keep records
  1. **The Headteacher, or where the complaint is against the Headteacher, the Chair of Governors, will be responsible for:**
* Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
* Considering all records, evidence and relevant information provided.
* Interviewing all parties that are involved in the complaint, including staff and pupils.
* Analysing all information in a comprehensive and fair manner.
* Liaising with the complainant and complaint investigator to clarify an appropriate resolution to the problem.
* Identifying and recommending solutions and courses of actions to take.
* Being mindful of timescales and ensuring all parties involved are aware of these timescales.
* Responding to the complainant in a clear and understandable manner.
  1. **Clerk to the Governing Body**

The clerk will:

* Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
* Arrange the complaints hearing
* Record and circulate the minutes and outcome of the hearing
  1. **Committee Chair**

The committee chair will:

* Chair the meeting, ensuring that everyone is treated with respect throughout
* Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

1. **Principles for investigation**

It is important for all parties to the complaint, that the investigation is impartial, thorough and fair.

It is also important that all parties to the compliant feel they have been listened to and have been able to make their contributions to the process.

When investigating a complaint, we will try to clarify:

* What has happened – the investigation may not proceed until there is absolute clarity as to the exact nature of the complaint
* Who was involved
* What the complainant feels would put things right
* It may be necessary to contact the complainant if there is any uncertainty to the above points

**5.1 Time scales**

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 timeframe 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 first school day after the holiday period.

If at any point we cannot meet the timescales 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
  1. **Complaints about our fulfilment of Early Years requirements**

We will investigate all written complaints relating to the school’s fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk.

An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

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

#### Stages of complaint (not complaints against the Headteacher or Governors)

**6.1 Expressing a Concern: Note for Parents**

If you have a concern, we would like you to tell us about it so that we can talk with you and see how best to resolve your concern.

The majority of concerns can be resolved informally by speaking to a member of staff. We advise parents to speak to the class teacher about any concerns they have within their child’s class, where this is appropriate. We welcome suggestions for improving our work in the school. Whatever your concern, please know that we shall treat it as strictly confidential.

Be assured that no matter what you wish to share with us, our support and respect for you and your child in the school will not be affected in any way; please do not delay telling us of your concern.

After hearing your concern, we will act as quickly as we can; we will let you know the timescale within which you may expect a response. Please allow time for any action we may take to be effective. Our procedure is in 3 stages which are outlined below:

There are three main stages to our complaints procedure. They are as follows.

* Stage 1 (informal) concern heard by Phase Leader or Deputy Headteacher
* Stage 2 (formal) complaint heard by Headteacher
* Stage 3 (formal) complaint heard by Governing Body complaints appeal panel

#### Stage 1 – Informal Stage

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

The complainant should raise the complaint as soon as possible with the relevant member of staff (Phase leader or Deputy Headteacher), either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office: [**office@swainhouse.bradford.sch.uk**](mailto:office@swainhouse.bradford.sch.uk) **or 01274 639049**

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days, if this is not possible we will write and explain the reason for the delay.

The informal stage will involve a meeting between the complainant and the Phase Leader or Deputy Headteacher. The vast majority of concerns will be satisfactorily dealt with in this way. However, if the complaint is not resolved informally, it will be escalated to a formal complaint

* 1. **Stage 2 – Formal Stage – complaint heard by Headteacher**

If the complaint is still not resolved informally then the complaint can be escalated to a formal complaint by:

#### By letter or email

#### Over the phone

#### In person

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

If complainants need assistance raising a formal complaint, they can contact the school office:

[office@swainhouse.bradford.sch.uk](mailto:office@swainhouse.bradford.sch.uk) or 01274 639049

The Headteacher will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

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

The Headteacher will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 school days. However, if a complaint is more complex to review then this could be extended to a maximum of 20 school working days.

If the complainant is not satisfied with the outcome at Stage 2, please write, email or telephone the school within 10 working days of receipt of the response and the complaint can be escalated to Stage 3.

* 1. **How to escalate a complaint**

Complaints can be escalated by contacting the Clerk to the Governors via the school office;

* By letter or email
* Over the phone
* In person

The Clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint. The Clerk will acknowledge receipt of the complaint within 10 days. The written conclusion of this investigation will be sent to the complainant within 10 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 10 school days. Requests received outside of this timeframe will be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within 5 school days.

**6.5 Stage 3- Submit the complaint to the review panel**

**Convening the panel**

The review panel consists of the first 3 members of the Governing Body available, who don’t have directknowledge of the complaint. These individuals will have access to the existing record of the complaint’s progress (see section 10). The Governors will select a panel chair from amongst themselves. If there are not enough impartial Governors available, we will seek panel members from other schools or the Local Authority. We will make sure the Governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The Clerk will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the Clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. Depending upon the circumstances of the complaint there will be a suggested length of time set for the meeting.

**At the meeting**

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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. 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. Representatives from the media are not permitted to attend.

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 committee can:

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

If the complaint is upheld, the committee 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 school will inform those involved of the decision in writing within 10 school days.

1. **Complaints against the Headteacher, a Governor or the Governing Body**

**7.1 Stage 1: Informal stage**

Complaints made against the Headteacher or any member of the Governing Body should be directed to the Clerk to the Governing Body in the first instance. Contact details can be obtained via the school office – 01274 639049 or office@swainhouse.bradford.sch.uk

If the complaint is about the Headteacher or one member of the Governing Body (including the Chair of Governors or Vice Chair), a suitably-skilled and impartial Governor will carry out the steps at stage 1 (set out in section 6 above).

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

* 1. **Stage 2: Formal Stage**

If the complaint is:

* Jointly about the chair and vice-chair or
* The entire Governing Body or
* The majority of the Governing Body

An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Governing Body, and will write a formal response at the end of their investigation.

If the complainant is not satisfied with the response and wishes to the next stage they should inform the Clerk to the Governing Body in writing within 5 days.

* 1. **Stage 3: Review Panel**

If the complaint is:

* + Jointly about the chair and vice-chair or
  + The entire Governing Body or
  + The majority of the Governing Body

A committee of independent Governors will hear the complaint. They will be sourced from local schools, the local authority and will carry out the steps at stage 3 (set out in section 6 above).

1. **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 DfE.

The DfE 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 DfE also looks at whether the school’s statutory policies adhere to education legislation.

The DfE will intervene where a school has:

Failed to act in line with its duties under education law

Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

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

[www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

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

1. **Persistent complaints**

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

* Has made the same complaint before, and it’s already been resolved by following the school’s complaints procedure
* Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
* Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
* Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
* Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
* Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

**Steps we will take**

We will 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 number of times the 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](https://www.citizensadvice.org.uk/)
* 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.

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.

* 1. 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 that the local process is complete
* Direct them to the DfE if they are dissatisfied with our original handling of the complaint

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

* 1. **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.

**10 Record keeping**

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

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

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or 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 and privacy notices.

**11 Learning lessons**

The Governing Body will review any underlying issues raised by complaints with the Headteacher and Senior Leadership Team, 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.

**12 Monitoring arrangements**

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the Headteacher and Full Governing Body annually.

At each review, the policy will be approved by the Full Governing Body.

**Links with other policies**

Policies dealing with other forms of complaints include:

• Child Protection and Safeguarding policy and procedures

• Admissions policy

Exclusions Policy

• Staff grievance procedures

• Staff disciplinary procedures

• SEND policy and information report

• Data Protection and Privacy notice