

# THE FEDERATION OF NETTLESTONE & NEWCHURCH PRIMARY SCHOOLS



## COMPLAINTS POLICY

Date Agreed: March 2020

Review Date: March 2021

Signed: \_\_\_\_\_

Chairman Board of Governors

The Federation of Nettlestone & Newchurch Primary Schools

Revision No.	Date Issued	Prepared By	Approved	Comments
1	April 2013	KJH	L&M	Revision of Policy in line with NAHT guidance
2	July 2014	KJH		Revision of Policy in line with Federation with Nettlestone Primary School.
3	June 2019	KJH	L&M	Revision of Policy in line with NAHT guidance
4	March 2020			Revision of Policy

*All the governors and staff at the Federation of Nettlestone & Newchurch Primary Schools are committed to sharing a common objective to help keep the children and staff of the Federation safe. We ensure that consistent effective safeguarding procedures are in place in order to support families, children and staff of the Federation. This policy should be read in conjunction with the Federation Child Protection Policy which can be found in the Policies section on the school website.*

### **Who can make a complaint?**

This complaints procedure is mainly aimed at parents or carers of children who are registered at the schools, but it is not limited to them.

Any member of the public may make a complaint to the Federation about any provision of facilities or services that the school provides.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

The Federation will endeavour to settle complaints informally in the first instance. We understand that there are occasions when people would like to raise their concerns formally. In this case, the Federation will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **The difference between a concern and a 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 defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest opportunity. Many issues can be resolved informally, without the need to use the formal

stages of the complaints procedure. The Federation of Nettlestone and Newchurch Primary Schools takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, the Head of School, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head of School will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

### **How to raise a concern**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Head of School. If the issue remains unresolved the Executive Head Teacher will explore the nature of the concern and endeavour to provide assurances sought. If the issue still remains unresolved, the next step is to make a formal complaint through Stage 1.

Individual governors should not be approached to raise a concern. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 2 of the complaints procedure.

Concerns regarding school staff (except the Executive Head Teacher) should be made in the first instance, to the Head of School or Executive Head Teacher via the relevant school office. Please mark them as **'Private and confidential'**.

Concerns that involve or are about the Executive Head Teacher should be addressed to the Clerk to Governors, Mrs Sue Harbour, for the attention of the Co-Chairs of governors, via the relevant school office. Please mark them as **'Private and confidential'**.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body, Mrs Sue Harbour, via either school office. Please mark them as **'Private and confidential'**.

For ease of use, a template form is included at the end of this policy. If you require help in completing the form, please contact the school office. You can also ask a third party like the Citizens Advice to help 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.

### **Anonymous complaints**

The Federation of Nettlestone and Newchurch Primary Schools will not normally investigate anonymous complaints. However, the Executive Head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Duplicate complaints**

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

### **Complaint campaigns**

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school or Federation, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

### **Timescales**

Complainants must raise the complaint within three months of the incident, or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received out of term time**

We will consider complaints made out of term time to have been received on the first day after the holiday period.

### **Scope of this complaints procedure**

This procedure covers all complaints about any provision of community facilities or services by The Federation of Nettlestone and Newchurch Primary Schools other than

complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of special educational needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of special educational needs or school reorganisation proposals should be raised with the local authority.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<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).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<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><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p><a href="#">..\Positive Behaviour Policy\Positive Behaviour Policy updated Jan 2019.pdf</a></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<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 whistle-blowers 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 the local authority or the DfE (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<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</p>

	complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National curriculum - content</li> </ul>	Please contact the DfE at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against The Federation of Nettlestone and Newchurch Primary Schools in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, The Federation of Nettlestone and Newchurch Primary Schools wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

## Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Stage 1

Formal complaints regarding general issues or involving staff must be made to the Head of School/Executive Headteacher (unless they are about the Executive Headteacher), via the relevant school office. This may be done in person, in writing (preferably using the complaint form), or by telephone.

The Head of School/Executive Headteacher will record the date the complaint is received and will endeavour to acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, The Head of School/Executive Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved from the concern raised and what outcome the complainant would like to see. The Head of School/Executive Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Head of School/Executive 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 of the complaint, the Head of School/Executive 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 Head of School/Executive Headteacher will endeavour to provide a formal written response within 10 school days of the date of receipt of the complaint.

If the Head of School/Executive 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 The Federation of Nettlestone and Newchurch Primary Schools will take to resolve the complaint.

The Executive 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 Executive Headteacher or a member of the Governing Body (including a Co-chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

If the complaint is jointly about a Co-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. At the conclusion of its investigation, the independent investigator will provide a formal written response.

## **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 relevant school office, within 5 school days of receipt of the stage 1 response.

The Clerk will record the date the complaint is received and endeavour to acknowledge receipt of the complaint in writing (either by letter or email) within 3 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 endeavour to convene a meeting within 20 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 among themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the Federation of Nettlestone and Newchurch Primary Schools available, the clerk will source any additional, independent governors through another local school or through their local authority'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 its decision it 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.

Representatives from the media are not permitted to attend.

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

- 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 5 school days before the meeting.

Any written material will be circulated to all parties at least 3 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 endeavour to provide the complainant and the Federation of Nettlestone and Newchurch Primary Schools with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by the Federation of

Nettlestone and Newchurch Primary Schools.

If the complaint is jointly about the Co-chairs or the entire Governing Body or the majority of the Governing Body, stage 2 will be heard by a committee of independent co-opted 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 the Federation of Nettlestone and Newchurch Primary Schools will take to resolve the complaint.

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

### **Next steps**

If the complainant believes the Federation of Nettlestone and Newchurch Primary Schools 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 DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by The Federation of Nettlestone and Newchurch Primary Schools. They will consider whether the Federation has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the DfE 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  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## Complaint form

Please complete and return to either the Head of School/Executive Headteacher / clerk who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Daytime telephone number:</b>  <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

