



# COMPLAINTS POLICY

Date  
October 2023

## Purpose

**INFORMATION FOR PARENTS; PROCEDURE FOR DEALING WITH CONCERNS AND COMPLAINTS ABOUT YOUR CHILD'S EDUCATION**

## Aims

The staff and governors at Scott Primary School are committed to providing a high quality education for your child in a secure and supportive environment. Whilst all concerned strive to achieve their best for the welfare of the pupils at the school, it is appreciated that there may be occasions when you have concerns about your child's education or about particular incidents which have occurred at school. If such a situation arises, we would ask you to follow the procedure outlined below.

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

To support this, we will make sure we publicise the existence of this policy and make it available on the school website. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 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".

## General procedure for concerns and complaints

Some general points.

1. Complaints should be raised as soon as possible. Any complaint raised more than one month after the incident has occurred cannot be considered, unless there are exceptional circumstances.
2. All the timescales in this policy apply during term time, additional time will be required over school holiday periods.
3. Where the head teacher or Chair of Governors is unable to comply with the timescales, he/she will inform you. This will only arise if the complaint is complex or the availability of key people is a problem.
4. An anonymous complaint will not be investigated unless there are exceptional circumstances.
5. The Head teacher and/or Chair of Governors may close a complaint if it is deemed "vexatious". This may happen if it is clear there is insufficient evidence to pursue the case, but the complaint is being persistently raised. Equally this may happen if a complaint has been investigated and no justification for the complaint found.

The procedure is presented as a series of stages, in a question and answer format.

**It is important that you follow through the various stages in the order in which they are given.**

**1. I am concerned about some aspect of my child's school life. Who should I speak to first?**

In the first instance you should always address your concern to the member of staff who has direct responsibility for your child's welfare. At our school this is your child's class teacher. You can contact them to arrange an appointment to discuss your concern when you collect your child at the end of the school day or by telephoning the school, writing a letter or sending a note via your child. It is always best to make contact at an early stage so that any problems can be dealt with before they become major issues, and parents and school can work together to find a satisfactory solution to the problem.

**2. I've spoken to the class teacher but the situation hasn't improved. What should I do next?**

If you are not satisfied with the response you have received from the class teacher, you need to make an appointment to discuss the matter with the phase leader and/or Assistant Head. If you are unsure who these people are then please ask at the office.

If you are still unhappy, then a team meeting will be arranged with all of the relevant people including the Head teacher. In the unlikely event that you are still not happy, then you need to make a formal complaint. All complaints should be put in writing to the Head Teacher.

If the complaint is about the Head teacher, a letter should be sent to the Chair of Governors, addressed to the Chair at the school and marked "Private and Confidential".

The Head Teacher (or chair of Governors)

- Will acknowledge receipt of the letter within 5 school days
- Will ensure that you have a copy of the Complaints Policy
- Will investigate the complaint. This will involve:
  1. Requesting information relating to the complaint from the member of staff (or the Head Teacher if the complaint is about the Head teacher)
  2. Requesting information relating to the complaint from you.
  3. Meeting with the member of staff or Head Teacher
  4. Meeting with you.
  5. Reviewing the evidence.
  6. Making notes throughout the investigation.
  7. Informing both parties in writing of the outcome of the investigation within 14 days of acknowledging the complaint.

The outcome of the investigation will be:

- To uphold the complaint
- To dismiss the complaint
- Cannot uphold the complaint due to lack of evidence.

This should be the conclusion of the complaint.

**3. I'm not satisfied with the response I've received. Is there anyone else I can complain to about the problem?**

If you feel that your complaint to the Headteacher has not resolved the issue as far as you are concerned, the next person you can refer the matter to is the Chair of Governors of the school. If you are not sure who this is, you can obtain the name of the Chair from the school office (telephone 01234 352630). Your request that the Chair of Governors reviews the Headteacher's handling of the complaint must be made in writing. The letter should be marked 'private and confidential.' The Chair of Governors will not interfere with the day to day management of the school,

but will investigate whether your problem has been dealt with in an appropriate manner and report back to you within 10 working school days.

**4. I have referred the matter to the Chair of Governors, but I'm still not happy. Is there anything more I can do?**

You are now reaching the stage where your original concern is turning into a complaint about the way matters have been dealt with by the school. If you wish to pursue this complaint, you have the opportunity of a formal hearing before a Complaints Panel of the Governing Body. Neither the Headteacher nor the Chair of Governors will be on this panel, which will normally consist of three governors appointed by the Governing Body as a whole. A request to the Governing Body to review the complaint must be made within seven days of receiving the written conclusion of the investigation by the Chair of Governors.

The Complaints Panel will meet within 21 days of receiving the request to review the complaint.

Full details of the procedure to be followed at the review hearing will be sent to you by the Chair of Governors if your complaint reaches this stage.

The outcome of the hearing will

- Uphold the complaint, the Committee will give reasons
- Dismiss the complaint, the Committee will give reasons
- Cannot uphold the complaint due to lack of evidence

If the complaint is upheld, the Panel will refer the result and any recommendations to the Governing Body. The Governing Body will reassure you that every effort will be taken to ensure that the same thing will not happen again and that school procedures and policies will be reviewed as a result of the complaint.

**5. The Governing Body Complaints Panel have not upheld my complaint. Is there anyone else I can refer the matter to?**

The Local Government Ombudsman investigates complaints about "maladministration" i.e. cases where the recognised complaints procedure has not been properly used. However, the Ombudsman cannot investigate complaints about internal school matters and is not empowered to overturn the decision of a Governing Body Complaints Panel which has correctly followed procedures. If the Ombudsman decides to investigate your complaint, you could wait up to 6 months to hear the result of the investigation. A complaint form can be obtained from your local library or Citizens' Advice Bureau.

If you feel that the Governing Body have acted unreasonably or illegally in coming to their decision, you can complain to the Secretary of State for Education and Skills. If you feel this to be necessary, you will need to write to the Secretary of State, who will then investigate your complaint and let you know the result. However, you should be aware that such an investigation can take up to 6 months or more.

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:

<https://www.gov.uk/complain-about-school>

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

**Reference to the Local Government Ombudsman or the Secretary of State will only occur under very extreme circumstances.**

The vast majority of concerns and complaints will be dealt with by the staff and governors of the school. Please remember that they, like yourself, only want to achieve the best they can for the children in their care.

**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](mailto: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.

### **Complaints about SEND provision**

Where parents have concerns about our school's SEND provision, they should first raise their concerns informally with the class teacher. We will try to resolve the complaint informally in the first instance. If this does not resolve their concerns, parents are welcome to submit their complaint formally.

Formal complaints about SEND provision in our school should be made to the SENCO in the first instance.

If the parent or carer is not satisfied with the school's response, they can escalate the complaint. In some circumstances, this right also applies to the pupil themselves.

To see a full explanation of suitable avenues for complaint, see pages 246 and 247 of the [SEN Code of Practice](#).

To find out about disagreement resolution and mediation services in our local area please see the link <https://www.bedford.gov.uk/media/1659>. Here you will find information on how to request mediation.

### **Complaints regarding lettings at the school**

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

### **OTHER COMPLAINTS PROCEDURES**

In addition to this general complaints procedure, there are a number of other statutory procedures which relate to specific aspects of the education system. These may need to be followed if you have concerns about the following;

- a) *The school curriculum and related matters*
- b) *Admission of your child to school*
- c) *Exclusion of your child from school*
- d) *The assessment of your child's educational needs*

If you require more information about any of these procedures, you should contact either the Headteacher of your child's school or Education Services at Bedford Borough Council.

Most concerns that parents have on a day-to-day basis do not necessarily fit into one of these categories and the general procedure outlined above should therefore be followed. In any case, the general procedure can still be used to deal with concerns which fall within categories (a)-(d) until it becomes clear that recourse to the statutory procedure becomes necessary.

### **I'm still unsure what to do. Who can I turn to for help?**

If you are not sure what to do, or feel you would like some advice on how best to proceed, please contact your child's Headteacher, in the first instance. If you feel you would like to speak to someone who is not directly involved with the school, you can contact Governor Support at Bedford Borough Council (Tel: 01234 267422)

### **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](#)
- 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.

### **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.

### **Complaint campaigns**

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

- Publishing a single response on the school website
- Sending a template response to all of the complainants

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

### **Record Keeping**

The 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 held centrally, 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 our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

### **Learning Lessons**

The personnel committee will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

### **Monitoring Arrangements**

The personnel committee will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The personnel committee 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 Mrs Crofts.

This policy will be reviewed by policies committee every 2 years.

At each review, the policy will be approved by the full governing board.

### **Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Malicious Complaints Policy

### **Equal Opportunities**

Scott Primary School is committed to working towards equality of opportunity for all children regardless of age, ability, gender, race and social circumstances. All pupils are of equal value and have the same right to take part in the varied activities and opportunities wherever possible. All opportunities for learning should be offered in a way which allows all children access and the ability to progress at their stage of understanding.

### **Disability Discrimination Act**

Scott Primary School is committed to having due regard to the following

The Equality act 2010 places a duty on all public authorities, including schools, when carrying out their functions, to have due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassment of disabled persons that is related to their disabilities
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.