

Forefield Community Infant & Nursery School



Complaints Policy and Procedure

Approved by:

Colin Falconer,
Chair of Governors

Date: 21st Oct 2019

Last reviewed on:

Next review due by:

Oct 2022

Contents

1. Aims	2
2. Legislation and guidance	3
3. Definitions and scope	3
4. Roles and responsibilities	3
5. Principles for investigation	4
6. Stages of complaint (not complaints against the headteacher or governors)	5
7. Complaints against the headteacher, a governor or the governing body.....	7
8. Referring complaints on completion of the school's procedure	8
9. Persistent complaints.....	8
10. Record keeping.....	9
11. Learning lessons.....	10
12. Monitoring arrangements.....	10
13. Links with other policies.....	10
14. Appendix 1: Formal Complaints Form	
15. Appendix 2: Complaints Procedure Flowchart	
16. Appendix 3: Complaints Appeal Panel Checklist	

1. Aims

At Forefield Community Infant & Nursery School, we aim to meet our 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
- › Ensure 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.

To support this, we will ensure 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.

2. 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 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.

3. 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”. The school will resolve concerns through day-to-day communication as far as possible
- 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
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the child's class teacher or the SENDCo; they will then be referred to this complaints policy. Our SEND Policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. 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
- › Treat all those involved with respect
- › Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts (school's Complaints Officer). 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 Appeal Panel which includes the facts and potential solutions

4.3 Clerk to the Governing Body

The clerk will:

- › Be the contact point for the complainant and the Complaints Appeal Panel, including circulating the relevant papers and evidence before Complaints Appeal Panel meetings
- › Arrange the complaints hearing
- › Record and circulate the minutes and outcome of the hearing

4.4 Appeal Panel Chair

The Appeal Panel 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 panel, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- › What has happened
- › Who was involved
- › What the complainant feels would put things right

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 time frame 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 next school day.

If at any point we cannot meet the time scales 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

5.2 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 4234 or 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.

6. Stages of complaint (not complaints against the headteacher or governors)

6.1 Stage 1: informal

The vast majority of complaints can be resolved informally. The school will take informal concerns seriously and make every effort to resolve the matter quickly. There are many occasions where the appropriate teacher, member of the office or pastoral team or the Headteacher can resolve complaints straight away. It may be the case that the provision or clarification of information will resolve the issue. It is in everyone's best interests that complaints are resolved at the earliest possible stage and it is important to us that anyone feels able to raise a complaint with a member of staff without formality, either in person, by telephone or in writing in the first instance. If the complainant is unclear who to contact or how to contact them, they should contact the school office on 0151 924 6235 or via email admin@forefieldinfant.sefton.school.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days whenever possible. Should this informal stage require more time, then the school will inform the complainant in writing as soon as this is known with an expected timescale for a response.

The informal stage will involve a discussion by telephone or a meeting between the complainant and the appropriate member of school staff designated to address the complaint.

Possible outcomes may include:

- Recommending changes to the school's systems and procedures to ensure similar issues do not occur in future;
- An apology;
- Acknowledgement that the situation could have been addressed differently or better, and steps taken to minimise reoccurrence;
- An undertaking that school policies will be reviewed in the light of the complaint;
- No fault found, complaint not upheld, no further action to be taken.

Should the discussions appear unlikely to resolve matters, either party may initiate a move to Stage 2 of the procedure.

6.2 Stage 2: formal written complaints

The complainant should set out the precise nature of the complaint on a Complaints Form providing 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. Complaints Forms are available from the school's office and returned to the School Complaints Officer, the Headteacher c/o the school office, marking the envelope 'private and confidential'. The complainant should keep a copy of this form and all other relevant correspondence. Please note, we have a 3 month cut off from the date of the incident although complaints outside of this timescale may be considered in exceptional circumstances.

If complainants need assistance raising a formal complaint, they can contact the school office on 0151 924 6235 or via email admin@forefieldinfant.sefton.school.

The headteacher (or designated member of the senior leadership team) 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 Complaints Officer (the headteacher or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will normally be shared with the complainant within 20 school days. Some circumstances may require a longer investigation in which case the complainant will be informed in writing with an expected timescale for its completion.

Following Stage 2 of the procedure, the Complaints Officer will decide on the next steps which may include the following outcomes:

- Recommend that appropriate remedial necessary to resolve the complaint be undertaken, or
- Confirm that all internal investigative measures have been exhausted and uphold the original informal response, if there has been one.

The decision is confidential to the complainant and to the Complaints Officer. Governors should only be advised that a complaint has been made and is being dealt with under the Complaints Procedure.

Escalating a complaint

If the complainant is unhappy with the Stage 2 outcome they may wish to appeal and proceed to the next stage of the procedure, notifying the Clerk to the Governors of their intention within 5 school days of the receipt of the formal outcome. This notice should be made in writing c/o the school office, marking the envelope 'Private and Confidential'. 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 request within 5 school days.

Requests received outside of the 5 day time frame will be considered in exceptional circumstances.

6.3 Stage 3: submit the complaint to the Complaints Appeal Panel

Convening the panel

The Complaints Appeal Panel consists of 3 members of the Governing Body available, who don't have direct knowledge 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 not enough impartial governors are available, we will seek panel members from other local 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 Complaints Appeal Panel, at least 5 school days; however, the panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within 20 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.

At the meeting

At the Complaint Appeals 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.

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 decision of the Complaints Appeal Panel is final. The Panel will inform those involved of the decision in writing within 5 school days. The decision is confidential to the complainant, the school representative and to the Complaints Appeal Panel.

On completion of Stage 3 of a complaint, governors should only be advised as to whether the complaint was upheld or not.

7. Complaints against the headteacher, a governor or the governing body

The information below is taken from the best practice guidance for maintained schools. Maintained schools may still need to work with their local authority, and the clerk to governors, to develop appropriate procedures for providing fair and impartial hearings where a complaint concerns the governing body.

7.1 Stage 1: informal

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.

If the complaint is about the headteacher or one member of the governing body (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

7.2 Stage 2: formal

If the complaint is jointly about the chair and vice-chair, 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.

7.3 Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, 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 or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

8. 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 School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the Secretary of State.

The SCU 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 SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

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.

9. 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 has already been resolved by following the school's complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- › Knowingly provides false information
- › Insists on pursuing a complaint that is unfounded, or out of the scope of the complaints procedure
- › Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused 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 time frames it sets out
- › Changes the basis of the complaint as the investigation goes on
- › 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.

9.2 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 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.

9.3 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 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, our privacy notices and school's Record Retention Schedule.

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

Where the governing body 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 body, who will not unreasonably withhold consent.

11. Learning lessons

The Leadership & Management Committee of the Governing Body will review any underlying issues raised by complaints with the headteacher/senior leadership team/appropriate staff member, 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 Leadership & Management Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Leadership & Management 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 the Headteacher.

This policy will be reviewed and approved by Leadership & Management Committee every 3 years.

13. 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
- SEN policy and information report
- Privacy notices

Elaine Haney

Oct 2019

Appendix 1: Complaints Form

CONFIDENTIAL

**Forefield Community Infant & Nursery School
Complaint Form – Formal Complaint**

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Daytime Tel No:

Evening Tel No:

Please give details of your complaint:

**What action, if any, have you already taken to try to resolve your complaint?
(Who did you speak to and what was the response?)**

What actions do you feel might resolve the problem?

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

Signature:

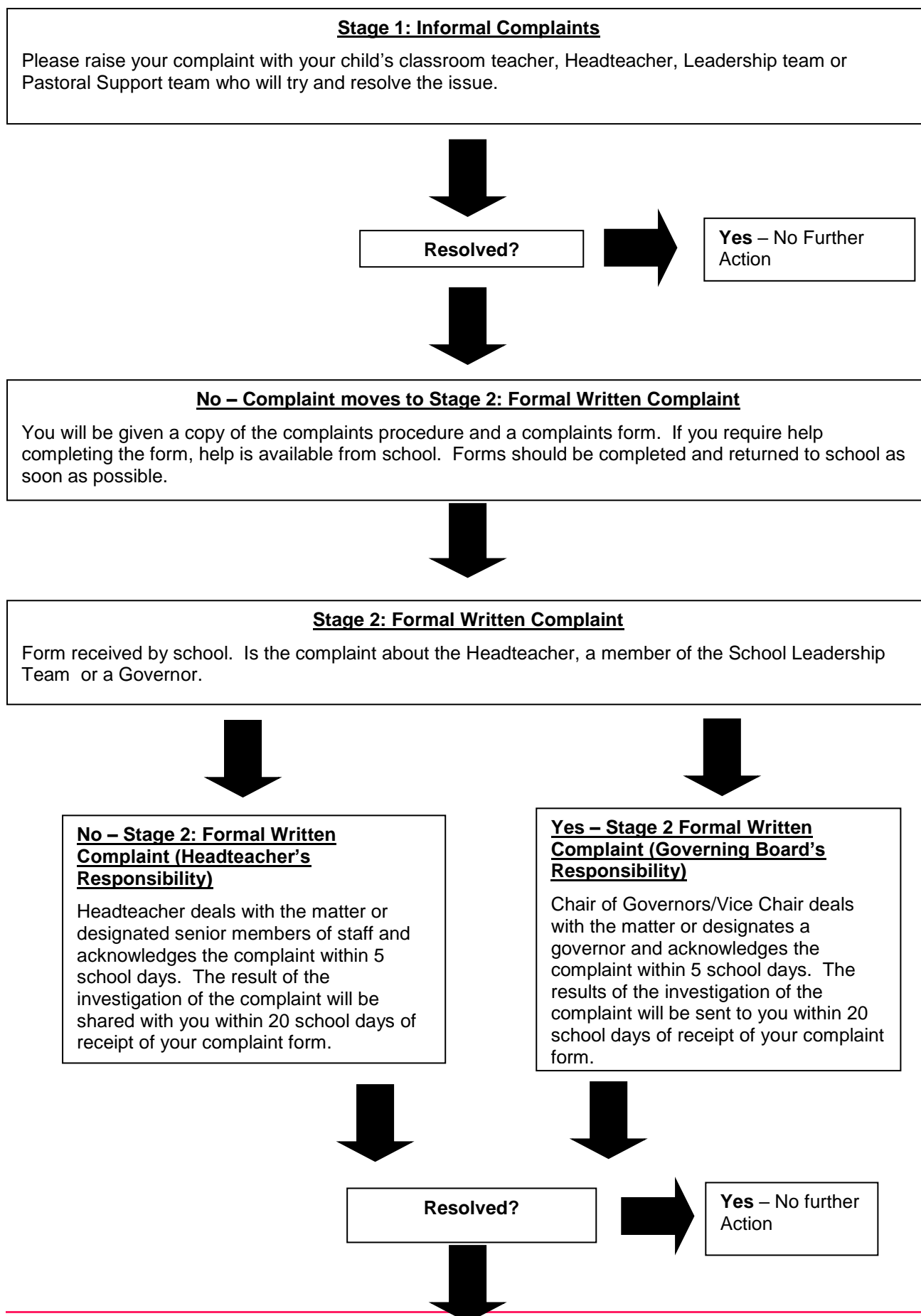
Date:

School Use:	
Date acknowledgement sent:	By whom:
Complaint referred to:	Date:

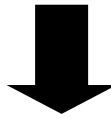
Notes:

1. Completed forms should be returned to the School Complaints Officer/ Headteacher c/o the school office, marking the envelope 'Private and Confidential'. The complainant should keep a copy of this form and all other relevant correspondence. Please note, we have a 3 month cut-off from the date of the incident although complaints outside of this timescale may be considered in exceptional circumstances.
2. The Complaints Officer will be the Headteacher or a member of SLT designated to investigate the complaint. Should the Headteacher or a governor be the subject of a complaint, this will be dealt with by the Chair of Governors. Should the Chair of Governors be the subject of the complaint, the complaint will be dealt with by the Vice-chair of Governors.

Appendix 2: Complaints Procedure Flow Chart

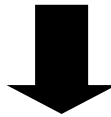


Appendix 2 continued.....



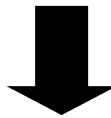
No – Complainant may submit an appeal to the Governing Board

Notice must be made in writing within 5 school days of receiving the outcome of the Stage 2 process.

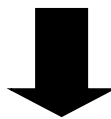


Stage 3: Appeal Procedure

Clerk to the Governors convenes a Complaints Appeal Panel consisting of 3 governors with no prior knowledge of the complaint. All parties will be notified of the date, time and location of the panel hearing, giving a minimum of 5 school days' notice.



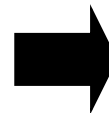
Appeal hearing will usually take place within 20 school days of the appeal notice being received from the complainant.



Complaints Appeal Panel writes to the complainant, and all other parties including the Headteacher within 5 school days of the panel hearing.



Resolved



Yes – No further action



No – Complainants retain the right to pursue their complaints with the Secretary of State for Education.

Appendix 3: Complaints Appeal Panel Checklist

The panel should take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses
- The school's Complaints Officer may question both the complainant and the witnesses after each has spoken
- The Complaints Officer is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the school's Complaints Officer and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The school's Complaints Officer is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chair explains that both parties will hear from the panel within a set timescale.