

Holbrook Primary



Complaints Policy

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The electronic version is the definitive version of this document.

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1. What is a Complaint?

Holbrook Primary School (the school) takes very seriously any concern or complaint about the education or other services it provides or about the conduct of its staff. The school believes that by tackling concerns at the earliest possible stage it allows us to improve relationships, enhance learning, prevent issues escalating and reduce the number of formal complaints received.

The school defines a concern as follows:

"an expression of dissatisfaction made verbally about any aspect of the school".

The school defines a complaint as follows:

"an expression of dissatisfaction made in writing about the standard of service, actions or lack of action by the school, affecting an individual or group".

If a concern is expressed verbally, the school will try to resolve it using the procedures set out below for dealing with concerns. If a complaint is made in writing, the formal complaints procedure will be used, also set out below.

2. Application of the Complaints Procedure

Legally, all schools, academies and Trusts must have a complaints procedure which deals with the handling of complaints from the parents/carers of pupils/students. This procedure is for the express use of parents/carers of students.

The Complaints Procedure will be used to consider any complaints about the school, except those which relate to the following areas, which have their own statutory procedures:

Exceptions	Policy / Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
School re-organisation proposals	Contact the local authority in the first instance and then escalate to the Governors if dissatisfied.
Statutory assessments of special educational needs	Concerns about statutory assessments of special educational needs should be raised directly with local authorities.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the school's child protection and safeguarding policy and in accordance with relevant statutory guidance. 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). LADO - 024 7697 5483 or Lado@coventry.gov.uk MASH - 02476788555 or MASH@coventry.gov.uk

Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
Whistleblowing	<p>The LA has a whistleblowing procedure for all its 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: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about a school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	<p>Complaints from staff will be dealt with under the school's grievance procedure.</p>
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.</p> <p>However, the complainant will be notified that the matter is being addressed.</p>

The Complaints Procedure will also not cover complaints which are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.

3. The School's Principles for Dealing with Concerns and Complaints

The school will:

- take all concerns and complaints seriously;
- make every attempt to resolve concerns by informal means without the need to use formal procedures;
- publish its complaints procedure, make it easily accessible and simple to understand and use;
- be fair, open and honest when dealing with any concern or complaint;
- give careful consideration to all concerns and complaints and deal with them as swiftly as possible, keeping people informed of progress;
- resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child above all other issues;

- provide sufficient opportunity for any concern or complaint to be fully discussed, and then resolved;
- deal with concerns or complaints in an impartial and non-adversarial manner;
- ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- respect people's desire for confidentiality;
- use the outcome of a complaint to reflect on the services provided by the school so, if necessary, they can be improved.

4. Dealing with Concerns

The school recognises that parents and carers will, from time to time, have reasonable and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the school.

The school encourages parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the school. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

A concern may be raised with any member of staff in accordance with the table below. For parents/carers, this would typically be your child's class teacher or Year Leader, and for others, this would normally be the Headteacher. If parents/carers have a concern with the operation of the Local Governing Body, it should be raised with the Headteacher. The staff referred to above will try and resolve the matter in accordance with the guidance set out in Appendix 2, or will refer you to the appropriate person. Many concerns are resolved immediately. If this is not possible, a member of staff will endeavour to respond to you within five working days or will give you a reasonable timeframe by when an outcome will be communicated to you.

Concern relating to:	Raise concern with:
Progress, achievement, behaviour or welfare of child	Class teacher or Year Leader
Operation of the school	Headteacher
Local Governing Body or a member thereof	Headteacher
Headteacher	Chair of Governors

The member of staff will make a written record of the concern that was raised and the date on which it was received. If you are not satisfied, you will be advised to proceed to make a formal complaint.

5. Making a Formal Complaint

The process for making a formal complaint is set out in Appendix 1.

Complaints should be brought to the attention of the school as soon as possible. A complaint made more than three months after the event complained of will not be considered, save in exceptional circumstances.

The complaint can be made in writing by letter, by using the Complaint form available on the school website, or in person, if written notes are made and countersigned by the complainant. Anonymous complaints will not be investigated, save in exceptional circumstances, as the school is unable to respond to the complainant. (These circumstances would include serious concerns such as child protection issues or bullying allegations, where the school is either required to involve appropriate external agencies or might conduct an internal review to test whether there is any corroborative evidence which might trigger a formal investigation).

6. Where to Send Your Complaint

Complaints should be sent in accordance with the following table:

Complaints Relating to:	Send Complaint to:	Stage 1 investigation to be led by:	Stage 2 investigation led by:
School	Headteacher	Headteacher or appropriate senior leader	Chair of Governors or Headteacher
Member of the Local Governing Body	Clerk to Governors	Chair of Governors	LA Officer
Chair of Governors	Clerk to Governors	LA Officer	LA Officer
Headteacher	Chair of Governors	Chair of Governors	LA Officer

Complaints will be acknowledged in writing within two school days.

7. The Stages of Handling a Complaint

Please also see the flowchart in Appendix 1.

If the complaint relates to the Headteacher, only stages 2 and 3 will be used.

Stage 1 – the complaint will be investigated by the Headteacher or appropriate senior leader in accordance with the table in section 6. The complaint will be investigated as set out in section 9 and, if resolved satisfactorily at this stage, the procedure is completed.

Stage 2 – if the complaint is not resolved at stage 1 or is submitted to the governing body in accordance with the table in section 6, the governing body will arrange for the complaint to be investigated as set out in Appendix 3, and, if resolved satisfactorily at this stage, the procedure is completed.

Stage 3 – if not resolved at Stage 2, the complaint will be investigated by a panel of three consisting of at least two members of the governing body, one of whom will be independent of the management and running of the individual school (may be a member of governing body at a different school). Guidance for the panel hearing procedure is set out in Appendix 4. The parent/carer may attend the panel hearing and be accompanied if they wish. The panel will still consider the complaint even if the complainant does not attend the hearing. This is the final stage of the school's complaints process.

If the complainant chooses to escalate their complaint to the next stage of the policy, they should notify the Headteacher/Chair of Governors within 10 days in writing otherwise the complaint will be closed.

At each stage, a similar process is used:

- investigating the complaint;
- resolving the complaint;
- providing a written response.

If a complainant is still not satisfied with the outcome when the complaint has been through all three formal internal stages, the complainant has recourse to complain directly to the Education and Skills Funding Agency via gov.uk website. The link to the form is below:

https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

8. Confidentiality

All complaints will be treated as confidential and will only be shared with those directly involved. Complainants should not share the content and nature of the complaint outside of those directly involved. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2018 Act requests access to them.

However, it should be noted that if any action taken by a member of staff is the subject of a complaint, the employee should be advised of the complaint made against them, and they should be given the opportunity to respond to the complaint as part of the investigation process.

All confidential information will be securely maintained by the school on its premises in line with the school's Data Protection Policy, Privacy Notices and Data Retention Schedule and in line with the requirements of current Data Protection Legislation.

9. Investigating the Complaint

The individuals leading each of the stages of the Complaint Procedure may delegate the investigation to an appropriately senior member of staff who has no connection with the complaint. The resolution of the complaint and a decision about any action to be taken rests with the individuals identified as responsible for each stage (as per section 6 above). The person/s investigating the complaint must make sure that they:

- a. clarify the nature of the complaint and what remains unresolved;
- b. establish what has happened so far, and who has been involved;
- c. meet with the complainant, if the complainant requests a meeting;
- d. meet with the complainant or contact them (if clarification or further information is necessary);
- e. ascertain what the complainant feels would put things right;
- f. maintain an open mind;
- g. conduct the investigation, analysing any relevant documents and interviewing those who may be involved;
- h. in the event an employee is responding to a complaint, they are entitled to be accompanied by a work colleague or trade union representative;
- i. keep written records of the investigation.

The school will retain written records of all parts of the investigation at each stage, including notes of all meetings, interviews, discussions and telephone calls, in case the complaint is taken further. The information will be securely maintained by the school in line with the school's Data Protection Policy, Privacy Notices and Data Retention Schedule and in line with the school's Complaints Policy

with the requirements of current Data Protection Legislation.

See guidance for investigations in Appendix 3.

10. Resolving the Complaint

At each stage in the procedure, the school will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is upheld in whole or in part. Alternatively, the complaint may not be upheld, and this may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:

- i. an apology (which does not imply liability);
- ii. an explanation (especially where the complaint is not upheld);
- iii. an admission that the situation could have been handled differently;
- iv. an assurance that the event complained of will not recur;
- v. an explanation of the steps that have been taken to ensure that it will not recur;
- vi. an undertaking, if necessary, to review policies or procedures in light of the complaint.

Where, as a result of the complaint, the school takes actions that are themselves confidential, it may be necessary to inform the complainant that the matter has been fully investigated and that the appropriate procedures are being followed (for example where staff disciplinary procedures are being followed).

11. Providing a Response

All complainants should be provided with a written response which sets out the school's findings and recommendations within a target period of fifteen working days for Stages 1 and 2, and 21 working days for Stage 3. Where the nature of the investigation is such that the complaint cannot be resolved within these timescales, a holding letter will be sent giving an indication of the date on which a response will be made.

In the case of the complaint being heard by a panel (Stage 3) the Chair of the panel will ensure that the complainant and, where relevant, the person complained about is notified of the panel's findings and recommendations, in writing.

The school will keep a written record of all formal complaints, which indicates at which stage they were resolved. The written record will include action taken by the school as a result of the complaint (regardless of whether they are upheld).

Any findings and recommendations that are determined as a result of a panel hearing will be made available for inspection.

12. Publication of the Complaints Procedure

The Complaints Procedure will be available from the school office and website.

13. Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour

There are rare circumstances where the school will deviate from the Complaints Procedure. These include, but are not necessarily limited to:

- a) where the complainant's behaviour towards staff, or members of the governing body is unacceptable, for example, is abusive, offensive or threatening;
- b) where, because of the frequency of their contact with the school, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the school;
- c) where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- d) where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the school.

In these circumstances, the school may:

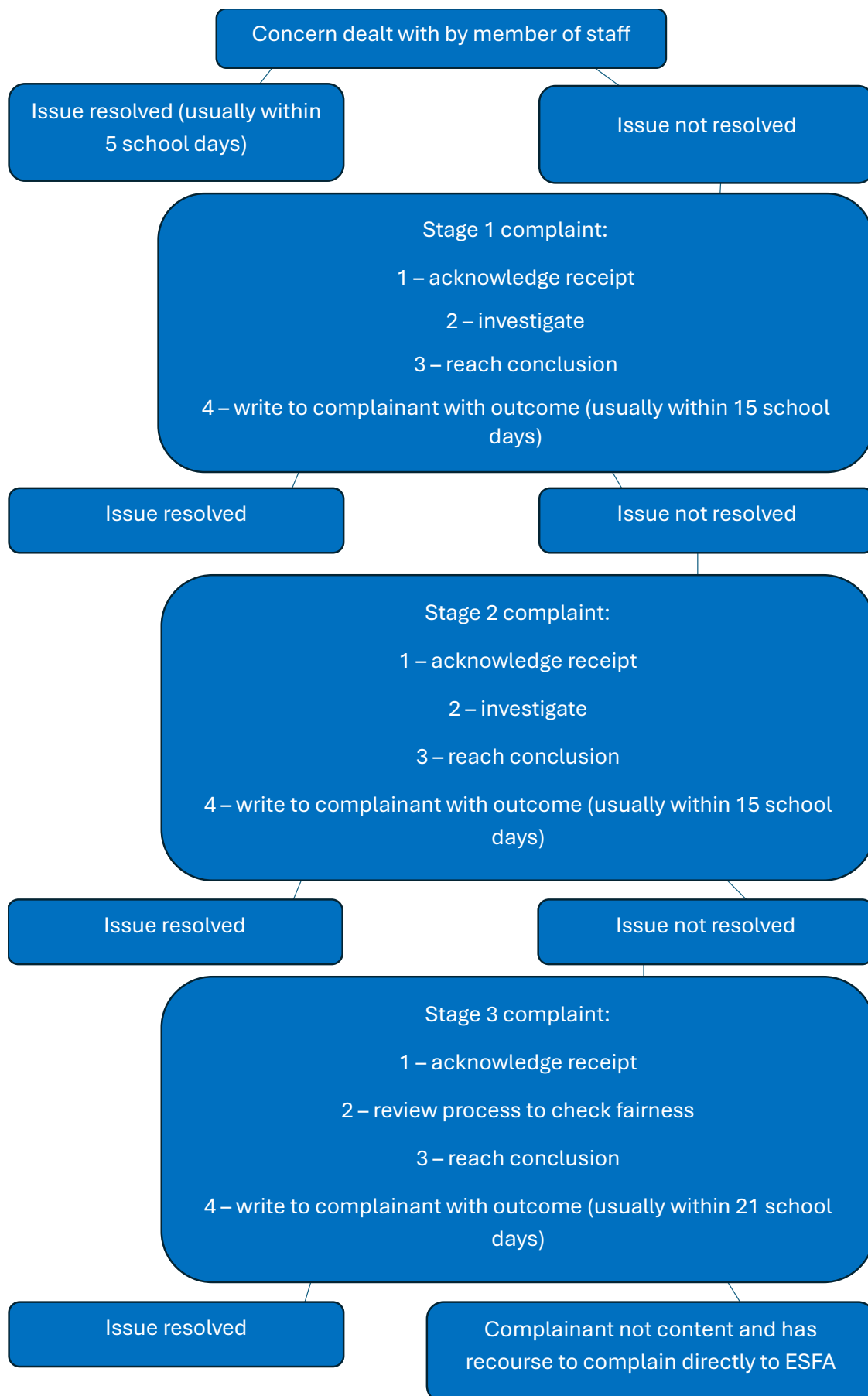
- a) inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- b) restrict the complainant's access to the school, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named

- person only, restricting telephone calls to specified days and times or banning the complainant from the school's premises;
- c) conduct the Complaints Panel on the papers only, i.e. not hold a hearing;
 - d) refuse to consider the complaint and refer the complainant directly to the Education and Skills Funding Agency (ESFA).

In all cases, the school will write to tell the complainant why their behaviour is believed to be unacceptable or unreasonably persistent, what action the school are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the governing body and the school will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the school may not give the complainant prior warning of that action.

Appendix 1 – Stages of Complaints Procedure



Appendix 2 – Guidance for Staff for Dealing with Concerns

Staff who are approached by parents/carers, students or others with matters of concern must assess the seriousness of the issue and if subject to specific school policies (for example over a child protection issue), follow those policies.

If a parent/carer of child or someone else expresses a concern that is within the remit of that member of staff, the member of staff should deal with the concern, resolving it where possible. If the member of staff feels unable to deal with the concern, they should listen to the concern, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.

Each situation will be different and staff members should do all they can to:

- allay the other persons' fears;
- take the concerns seriously;
- remain calm and composed at all times;
- be fair, open and honest when dealing with any concern or question;
- give careful consideration to all concerns and deal with them as swiftly as possible;
- enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues;
- respect peoples' desire for confidentiality.

If the matter has not been resolved amicably by this means, the member of staff should advise the complainant to make a formal complaint.

APPENDIX 3 – Guidance for Investigations

1. The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The investigator must maintain an open mind and not prejudge any situation on the basis of knowledge of past events. The outcome of such an investigation will have considerable significance for the complainant and, where the complaint is against a particular member of staff, for the member of staff against whom the complaint has been made.
2. Any member of staff against whom a complaint has been made should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out in which their views will be sought.
3. It is essential that there is a clear understanding of the complaint and what remains unresolved. If the complaint is not clearly stated, the investigator should clarify the nature of the complaint with the complainant and set out the issues of concern to the complainant that will be investigated.
4. Once the complaint has been confirmed, the investigator should establish whom they wish to interview and what documentation they will need to review. Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcomes of the investigation be accurately recorded.
5. The complainant and the member of staff complained about should be given the opportunity to meet with the investigator, offer documentation and identify potential witnesses or sources of evidence. Any member of staff subject to the complaint should be advised that they may be accompanied by a work colleague or a trade union representative when invited to be interviewed.
6. Where children are potential witnesses, discretion should be exercised over their involvement. Pupils/students should only be interviewed when the nature of the complaint is sufficiently serious to warrant it, and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
7. Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of all interviews.
8. In conducting interviews, the investigator must prepare the questions to be asked before the interview. These can always be supplemented during the interview. The investigator should allow the interviewees to answer in their way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview. It is good practice to ask the complainant what they feel would put matters right, even if this action is not one that is eventually taken.
9. Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or issues unrelated to the complaint should be resisted.

10. The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed. The investigator should complete the investigation by creating a summary of the evidence gathered and a preferred outcome for agreement.
11. Any response letter should include the following information:
 - a. a summary of the complainant's concerns and the issues that have been investigated;
 - b. a summary of the process undertaken;
 - c. the outcome of the investigation;
 - d. the reasons for that outcome, unless confidentiality would be compromised (in which case a suitably worded conclusion should be provided);
 - e. any recommendations which, wherever possible, should be constructive and not punitive;
 - f. potential next steps.
12. The response letter should be sent to the complainant. Caution must always be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.
13. The complainant should be advised that they may, if they are not satisfied with the response or that the appropriate procedure has been followed, request the complaint is considered at the next stage of the Complaints Procedure.

Following consideration of a complaint at stage 3, the complainant should be advised that the complaint will not be considered further and that they do have the right of complaint to the Education Funding Agency.

Appendix 4 – Panel Hearing Procedure

The panel hearing procedure is as follows:

The Chair of the panel will contact the person who investigated the complaint at stage 2 to establish who will need to be invited to the hearing in advance and with enough notice to invite support or representation as appropriate.

The papers for the hearing will be circulated by the Clerk five working days prior to the panel hearing. Any additional material should be provided to the Clerk no later than two working days before the panel hearing for distribution to relevant parties.

The hearing will be as informal as possible commensurate with the fact that it is part of a formal procedure. The style will not be confrontational or adversarial and will be a genuine attempt to allow the complainant and the respondent to present their sides on the issue.

- The Chair of the panel will welcome the complainant and the representative(s) of the school.
- The Chair will check that all parties have received and read all previously distributed submissions.
- The Chair will invite the complainant to present their case.
- The respondent may ask questions.
- The panel may ask questions.
- The Chair will then invite the respondent to present its case.
- The complainant may ask questions.
- The panel may ask questions.
- The respondent will then sum up their case without adding anything new.
- The complainant will then sum up their case without adding anything new.
- The complainant and the respondent will then leave the hearing.
- The panel will then deliberate to reach a decision which, if a vote is needed, will be determined by a simple majority. Any independent member will have the same voting rights as the governing body members of the panel. If the voting is tied the Chair will have the casting vote.

As a result of the hearing, the panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint.
- Make findings and recommendations that can include recommending disciplinary action or procedures to ensure that issues of a similar nature do not recur.

The Chair of the panel will ensure that the complainant and, where relevant, the person complained about is notified of the panel's findings and recommendations, in writing.