

Bentley CEVC & Copdock Primary Schools

Complaints Procedure

Approved by the Governing Board *20th October 2021*

Next review date: Summer term 2024

1. Introduction

Bentley CEVC & Copdock Primary Schools endeavour to provide the best education possible for all pupils in an open and transparent environment. We welcome and consider any feedback that we receive from parents, pupils and third parties, accepting that not all feedback will be positive. Where concerns are raised, the schools aim for these to be dealt with:

- fairly and impartially, without prejudice and non-adversarial
- by full and fair investigation, by an independent person or panel, where necessary
- addressing all the points at issue and provide an effective and prompt response
- respecting the complainants desire for confidentiality and treating complainants with respect and courtesy
- lawfully, rationally, reasonably, in a fair and proportionate way
- keeping the complainant informed of the complaint's progress
- Considering if the complaint should feed into the school improvement evaluation process

In order to do so, the Governing Body of our schools has approved the following procedure which explains what you should do if you have any concerns or complaints about the schools. All members of staff will be familiar with these procedures and will be able to assist you.

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 schools' 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 schools' 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”

A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

The schools intend 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 complaints procedure is mainly aimed at parents or carers of children that are registered at the school, but it is not limited to them. Any person, including members of the public, may make a complaint to the school 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.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Curriculum
- Collective worship

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 class teacher, who will inform the SENCO; they will then be referred to this complaints policy. Our SEND Policy and SEN 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
- Ask for assistance as needed
- 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. 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 a complaints committee which includes the facts and potential solutions

4.3 The complaints co-ordinator

- Likely to be the Headteacher or a designated complaints governor
- They will keep the complainant up-to-date at each stage of the procedure
- Make sure the process runs smoothly by liaising with staff members, Headteacher, Chair of Governors, Clerk as necessary
- Be aware of issues relating to: sharing third party information; additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- Maintain records

4.4 Clerk to the Governing Body

The clerk will:

- Be the contact point for the complainant and the complaints committee, once the complaint has been acknowledged by the Chair of Governors, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Committee chair

The committee chair will:

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

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

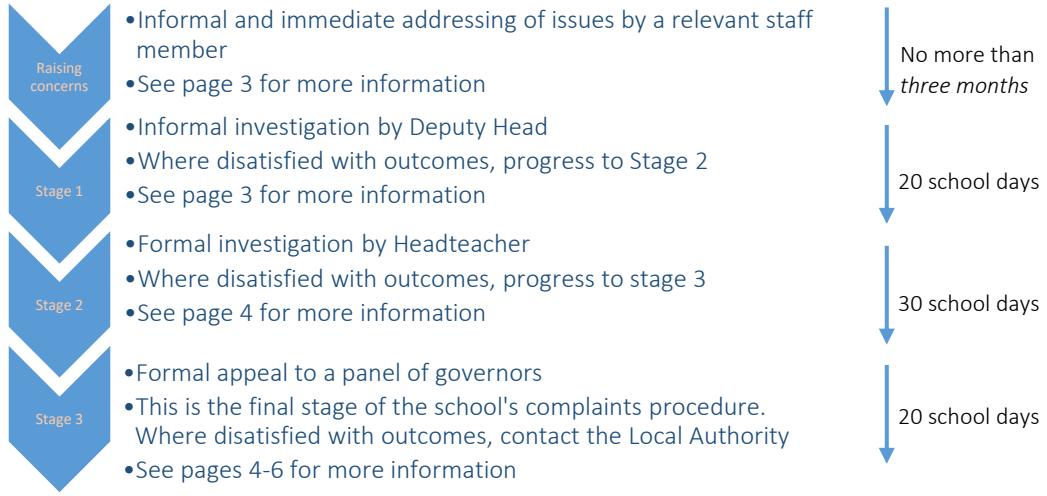
The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

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. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision. Complaints will not be dealt with if a child is no longer a member of the school, unless the complaint is of a serious nature, as determined by the Headteacher or Chair of Governors.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the 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 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 place a copy of the inspection report on the schools' website.

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

6.1 Stage 1: informal (by Deputy Head)

The majority of concerns can be dealt with without resorting to these procedures. Where a parent or carer has a concern about any aspect of the school or their child's education or wellbeing, they should raise this as soon as possible with *their* child's class teacher, relevant member of staff or the Headteacher, either in person, by letter, telephone or email. Ideally, they will be able to address any concerns immediately, if not, they can arrange a meeting to discuss the issue.

All informal concerns will be taken seriously and dealt with confidentially. Every effort will be made to resolve matters quickly. It may be the case that the provision or clarification of information will resolve the issue. The staff member may need to take notes if they feel that the matter may need to be taken further or if it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018 and the GDPR Regulations.

If the complainant is unclear who to contact or how to contact them, they should contact the school Office (contact details on the schools' website).

In order for complaints to be resolved as quickly and fairly as possible, our schools request that complainants do not discuss complaints publicly via social media, such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we ask complainants to observe confidentiality.

Where as a result of raising a concern or complaint the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the Deputy Head / Assistant Head. In the event of the Deputy Head / Assistant Head not being available, another member of staff will be assigned by the Headteacher to conduct this stage.

2. The complainant must explain in writing
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right
3. The Deputy / Assistant Head will respond within 5 school days (excluding school holidays) of having received the written complaint. They will acknowledge receipt of the complaint and explain what action they intend to take.
4. Where the complaint is about a member of staff, the Deputy / Assistant Head will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
5. The Deputy / Assistant Head will provide a written confirmation of the outcome of their investigation within 15 school days (excluding school holidays) of having sent confirmation of the intended action. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage 2, a formal complaint, if they are not satisfied. If the complainant wishes to progress to stage two, they must do so by informing the Deputy / Assistant Head as soon as possible after receiving the Deputy / Assistant Head's written confirmation of outcome and within 10 school days (excluding school holidays).
6. The Deputy / Assistant Head will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months.

6.2 Stage 2 – formal (investigated by the Headteacher)

1. Formal complaints can be raised by letter or email, over the telephone, in person or by a third party acting on behalf of the complainant.
2. It is our preference that the complainant submits a formal complaint form to the Headteacher, see Appendix 1. The form should include relevant times, dates, the names of any witnesses of events, copies of any relevant documents and, what they feel they would like done to resolve the complaint.
3. The Headteacher will record the date the formal complaint is received and will respond in writing within 10 school days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt and explain what action will be taken, giving clear timeframes.
4. A log of all correspondence in relation to the complaint will be kept securely, in accordance with the Data Protection Act 2018 and GDPR Regulations.
5. The Headteacher will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint
6. The Headteacher will call a meeting with the complainant to clarify concerns and seek a resolution. The claimant 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 an alternative companion.

7. After conducting their own investigation, considering the available evidence, the Headteacher can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the Stage 3 appeals process
 - Uphold the complaint in part: the Headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
8. The Headteacher must inform the complainant of their decision, in writing, within 20 school days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied, providing them with the contact details of the Chair of Governors, (see the end of the procedure).

6.3 Stage 3 – appeal – review by a panel of the Governing Board

If the complainant wishes to appeal the Headteacher Stage 2 decision, or they are not satisfied with the action that the Headteacher has taken in relation to the complaint, the complainant is able to appeal this decision and submit the complaint to a review panel.

They must write to the Chair of Governors (see the contact details at the end of this document), as soon as possible after receiving notice of the Headteacher's Stage 2 decision and within 10 days of receiving it, briefly outlining the content of their complaint and requesting that a complaints review panel be convened.

If the complainant has not requested an appeal panel be formed within 10 days of receiving the Headteacher's decision, it will not be considered except, in exceptional circumstances. For example, if new evidence has come to light or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time.

On receipt of this written request, the following steps will be followed:

1. The Chair of Governors will write to the complainant within five school days (excluding school holidays), to confirm receipt of the appeal request and to detail further action to be taken.
2. The Chair of Governors will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint. They will have access to the existing record of the complaint's progress. The panel will select a Chair from amongst themselves and the Clerk to the Governing Board will ensure all the relevant documentation is collated and distributed 5 days in advance of the meeting. The Clerk will record the proceedings in the form of minutes, and circulate these and the outcome of the meeting to all parties.
3. The appeal hearing will take place within 10 days (excluding school holidays), of receipt of the date of the confirmation letter from the Chair to the complainant, confirming receipt of the appeal. The Clerk to the Governing Board will organise the time and date of the appeal hearing, inviting all the attendees in writing and confirming their attendance. The review panel reserves the right to convene at their convenience rather than that of the complainant.

4. In addition to the panel, the following parties may be invited to attend, where applicable:

- the complainant must be allowed to attend
- the Deputy / Assistant Head who dealt with the complaint at Stage 1
- the Headteacher who dealt with the complaint at Stage 2
- where the complaint regards a member of staff, or governor, the person who is the subject of the complaint

If attending, the complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff or a governor, they may also bring a companion with them. The companion will be a friend, not another member of staff or governor of the school. Neither party is able to bring legal representation with them. (See Appendix 2 for the procedure for this hearing)

5. If the attendance of any pupils is required at the hearing, parental permission will be sought. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Governing Board, who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school sources appropriate individuals for the review. The Clerk to the Governing Board will be responsible for organising an independent panel.
7. The complainant and school representatives, as appropriate, will each have an opportunity to set out written or oral submissions prior to the meeting. 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.
8. 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.
9. 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
 - Recommend changes to the schools' systems or procedures to prevent similar issues in the future.
10. All parties who attended / contributed reports to the meeting will be informed in writing of the outcome of the appeal within 5 school days (excluding school holidays).

This is the final stage at which the school will consider the complaint.

7. Complaints against the Headteacher, a governor or the Governing Board

Where a complaint is in respect of the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with the outcome, they should notify the Chair of Governors (see contact details at the end of the document) who will notify the clerk to the Governing Board. The Stage 2 process will then commence, but with the Chair of Governors, together with the clerk, responsible for the investigation in place of the Headteacher.

Where a complaint is in respect of a governor, (including the Chair or Vice-Chair), an impartial governor will carry out the investigation at stage 1. If the complaint involves the Chair and Vice-Chair, the whole Governing Board

or a majority of it, an independent investigator will carry out the steps in stage 2 (section 6 above). They will be appointed by the Governing Board and will write a formal response at the end of the investigation. At stage 3 a committee of independent governors will hear the complaint. These will be sourced from local schools and the local authority and will carry out the steps at stage 3 (section 6 above).

8. Referring Complaints on completion of the schools' procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation. The DfE will intervene where a school has failed to act in line with its duties under education law; acted (or proposing to act) unreasonably when exercising its functions. If the complaints procedure is found not to 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.

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
- Insists on pursuing a complaint that is unfounded, or out of scope of this 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 time frames 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.

Where the Headteacher decides to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

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 Complain 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 Record Retention Policy.

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.

11. Learning lessons

The Governing Board will review any underlying issues raised by the complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the schools can make to their procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

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

Complaint records are logged and managed by the Headteacher.

This policy will be reviewed every three years and will be approved by the full Governing Board.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child Protection and Safeguarding Policy and procedures
- Admissions Policy
- Exclusion Policy
- Staff grievance procedures
- Staff disciplinary procedures
- Whistleblowing Policy
- SEND Policy and Information Report
- Privacy Notices
- Data Protection Policy

If you have any queries regarding any aspect of this Complaints Procedure, please direct these to the Chair of Governors. This should be in writing, to the school address, marking the correspondence 'urgent, private and confidential'.

Chair of Governors
Mr. Simon Hurst

Vice-Chair of Governors
Mr. Laurie Page

Bentley and Copdock Primary Schools Formal Complaint Form

Name	
Name of pupil, school name, year group and your relationship to them	
Contact address	
Daytime telephone number	
Mobile telephone number	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with the complaint so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	

What action would you like to be taken to resolve the problem?

Signed:	
Dated:	

Official use

Date received:

Signed:

Appendix 2

The procedure for the hearing

The Chair of the Panel has a key role, ensuring that:

- The remit of the Panel is explained to the parties involved;
 - Each party has the opportunity to make an oral statement as part of the presentation of the complaint, without undue interruption;
 - The issues are addressed;
 - Key findings of fact are made;
 - The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
 - The Panel is open minded and acting independently;
 - No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
1. Chair will greet all attendees and put them at ease.
 2. The complainant may make an oral representation of their complaint.
 3. The school may make an oral statement about the complaint.
 4. The Panel may wish to ask questions of the parties involved to seek clarification on any points raised.
 5. When the Chair is satisfied that all issues raised by the complainant have been clarified for the benefit of all parties, they will invite the Headteacher and the complainant to make final statements about the complaint if they so wish.
 6. Either party may request an adjournment of the hearing at any stage and this may be allowed on the grounds that further inquiries are necessary, but it should also be borne in mind that a speedy resolution of the complaint is usually desirable and advantageous.
 7. All parties to the hearing will then withdraw. The Panel, advised by the Clerk to the Governing Board, will then deliberate. If it is necessary to recall either party or any witnesses to assist with clarifying any particular point of uncertainty, this may only be done if information is shared with both parties and clearly documented.

Notification of the Panel's decision

The Panel's decision is to be regarded as final and the complainant will be advised of any further recourse available should they be dissatisfied with the outcome.