



Whitmore Park Primary School

Complaints Policy

Owner:	Mrs Jacqueline McGibney	Published date:	September 2023
Approved by Head Teacher:	Mrs Jacqueline McGibney	Date:	September 2023
Approved by Chair of Governors:	Mr Karl Miles & Mrs Rosella Brennan	Date:	September 2023
Date to be reviewed:	September 2024		

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents and 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 complainant's 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 all maintained schools and maintained nursery 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

- 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 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 the 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

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, they will then be referred to this complaints policy. Our SEND Inclusion policy 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.

Please see Appendix 2 and our separate policies for procedures relating to these types of complaint.

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. They will:

- Interview all relevant parties, keeping notes

- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the head teacher or complaints committee 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 committee, 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

4.4. 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. Timescales

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 a complaint (not complaints against a Head Teacher or Governors)

Most complaints can be dealt with satisfactorily at the first (informal) stage. This is usually by arranging to meet with the Head Teacher, the School's Complaints Investigator, or another relevant member of staff (e.g. the Special Educational Needs Co-ordinator).

If you wish to make a complaint it is important to follow this procedure through each stage of the process. The school will not embark upon a new stage in the process until the previous stage has been completed. It is important to emphasise that there can be no exceptions. A record will be kept by the school of the process and outcome at each stage of the procedure

Schools and their Governing Bodies are responsible for receiving, investigating, and responding to complaints. Enquiries to the Local Authority will be passed back to the school.

General Note: Please be aware that the Local Authority has no role in the complaints procedure.

Some complaints may need to be dealt with using an alternative procedure than the procedure recorded below please see appendix 2.

The person responsible for managing complaints (School's Complaints Investigator) is Jacqueline McGibney.

7. STAGE 1 - Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the head teacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to

contact them, they should contact the school office: admin@whitmorepark.org or 02476 335697.

If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name, contact address, phone number and brief details of the concern/complaint. This information will be passed to the School's Complaints Investigator at the earliest opportunity and recorded in the school's complaints log (this is held on the P drive).

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

At the informal stage an opportunity will be given to the complainant to discuss the complaint with an appropriate member of staff, who will clarify the nature of the complaint and how the complainant wants the complaint to be resolved (for example by an apology from the school; an explanation; assurances that there won't be a re-occurrence; details of measures that will be taken to ensure that there isn't a re-occurrence).

The School's Complaints Investigator will identify the appropriate procedure and either conduct the investigation or nominate an appropriate colleague to do so. The Investigator will communicate verbally with the complainant to ensure they are clear about what action or monitoring of the situation has been decided on, if appropriate by when, only putting this in writing if this seems the best way to make things clear.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

8. STAGE TWO - Formal Referral to the Head Teacher

Formal complaints can be raised:

- By letter or email (a complaint form is available as appendix 3 on page 18 of this policy)
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide 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.

If complainants need assistance raising a formal complaint, they can contact the school office via email admin@whitmorepark.org or phone 02476 335697.

The Head Teacher (or designated member of the senior leadership team) will call a meeting within 10 school days 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 Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The school will aim to send written conclusion of this investigation to the complainant within 10 school days. However, some cases will require more detailed investigation, and/or a number of witnesses to be interviewed. Where this is the case, the complainant will be advised of any revised timescale for production of the written response.

The written response will include:

- details of the agreed subject matter of the complaint
- details of who was contacted in connection with the subject matter of the complaint (and in brief) the evidence that was obtained
- a full explanation of the decision reached and the reasons for it.
- where applicable, what action the school will take to address the complaint and prevent recurrence.
- what to do if the complainant is not satisfied, information on how to request a review by the governing body and the timescale.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing body within 20 school days. Requests received outside of this time frame will be considered in exceptional circumstances.

9. STAGE THREE - Governing Body Review

Complaints can be escalated by contacting the clerk to the governing body:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

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 circumstances under which a review would be conducted include those where there is:

- a claim that material information was not taken into account in investigating the complaint

- a claim that procedures have not been properly applied in handling the complaint
- a claim that there has been an incorrect interpretation of Council or school policy

Disagreeing with the outcome at Stage Two **IS NOT** sufficient grounds for undertaking a review under this part of the procedure.

9.1. Convening the panel

The Governing Body will nominate three members to form a Complaint Panel to review the complaint and any further documents submitted by the complainant. These **WILL** be governors who have had no prior knowledge of the complaint. The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from other schools or the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they independent and impartial.

The Clerk to the Governing Body will convene the Complaints Panel hearing. The complainant must have reasonable notice of the date of the review panel; however, the review 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 the written submissions from both parties.

Any written material provided in evidence must be provided in advance and will be circulated to all parties at least 20 school days before the date of the meeting.

9.2. At the meeting

At the review 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. All parties should be notified of the proposed witnesses. Parties are requested to notify the clerk of the name of any witness who they intend to bring to the hearing at the earliest opportunity.

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 the evidence will then be considered. The review panel can set time limits for both sides to present their case and for the length of the hearing overall (see Appendix 1). These will be communicated to everyone involved by the Clerk in advance of the hearing.

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 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 Head Teacher.

9.3. The outcome

- The review panel 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 chair of the panel will inform those involved of the decision in writing within 7 school days.

The complainant will also be advised of their right of further appeal to the Secretary of State for Education.

The Chair will ensure that any required action is put in place.

Please see appendix 1 for further details about the complaints panel review hearing.

10. Complaints against the Head Teacher, a Governor or the Governing Body

If the complaint is about the Head Teacher, a Governor or the Governing Body, or any of these have been so involved as to raise questions about their impartiality, we request that the complaint be put in writing. A scribe or translator will be available to assist in this process if necessary. The complaint should be addressed to the Chair of the Governing Body at the school, marked private and confidential. The complainant may wish to deliver the letter by hand and ask for a dated receipt.

10.1. Stage 1: Informal

Complaints made against a head teacher 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 head teacher or one member of the governing body (including chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps at stage 1 (set out in section 7 above).

10.2. 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 8 above). They will be appointed by the governing body and will write a formal response at the end of their investigation.

10.3. 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 and/or the local authority and will carry out the steps at stage 3 (set out in section 9 above).

11. 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 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.

12. Persistent complaints

12.1. 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's 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 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 frame 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

12.1.1. 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 our behalf, such as Citizens Advice
- Put any other strategy in place as necessary.

12.1.2. 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 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.

12.2. 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.

12.3. 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.

13. Data protection and record keeping

13.1. Basis for processing

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data to enable the school's management to monitor the effectiveness of the school's complaint procedure.

The information you give will be held securely and in confidence. We may only share this if there is a legal obligation or business requirement.

You provide this personal data with your consent and can withdraw your consent at any point by contacting the school.

13.2. Sharing and 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 the 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 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, records management policy and 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.

14. Learning lessons

The governing body will review any underlying issues raised by complaints with the Head Teacher / 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.

15. Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the School Business Manager.

This policy will be reviewed by the governing body every 3 years. At each review, the policy will be approved by the full governing body.

16. Appendix 1: Guidelines for Conducting a Stage 3 Governing Body Review Hearing

1. The chair conducting the complaint hearing will introduce all present and will seek confirmation from both parties that they understand that the status of the hearing is at STAGE 3 in accordance with the Complaints Procedure.
2. Each party may request adjournments during the hearing. No reasonable request for an adjournment will be refused.
3. No witness will be permitted to be present in the hearing until they have given evidence. The panel will decide whether the witness(es) should remain after giving evidence and responding to questions.
4. The complainant will present the facts supporting the complaint and will call any witnesses in support. A time limit of 1 hour will apply for the complainant to put his/her case.
5. The subject of the complaint and his/her representative will have the opportunity to question the complainant and any witnesses called. A time limit of 15 minutes will apply.
6. The complaints panel and the Clerk supporting the panel, may ask questions (for the purpose of ensuring that the panel has all the information that it will require to determine the outcome of the review). A time limit of 15 minutes will apply.
7. The subject of the complaint and/or his/her representative may present their case in defence of the complaint and may call witnesses. A time limit of 1 hour will apply.
8. The complainant will have the opportunity to question the subject of the complaint and any witnesses called. A time limit of 15 minutes will apply.
9. The complaints panel and the Clerk (for the purpose of ensuring that the panel has all the information that it will require to determine the outcome of the review) may ask questions of the subject of the complaint and any witnesses called. A time limit of 15 minutes will apply.
10. The complainant may sum up his/her case. A time limit of 15 minutes will apply.
11. The subject of the complaint and/or his/her representative may sum up the case in defence. A time limit of 15 minutes will apply.
12. Both parties and any witnesses will be asked to withdraw. The panel members will remain to determine the review. The Clerk will remain to record the panel's decision
13. If for any reason the panel need to recall any of the witnesses or either party to ask further questions, or seek clarification before reaching a decision, both parties will be recalled and then asked to leave.
14. The decision of the Panel will be notified in writing within 7 school days of the panel's determination of the review. The complainant will be notified of his/her right of appeal to the Secretary of State for Education.

17. Appendix 2: Complaints not in the scope of the procedure

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Coventry City Council</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding, telephone 024 76975483 or the Multi-Agency Safeguarding Hub (MASH). Telephone 024 76788555 or Email: lado@coventry.gov.uk</p>
<ul style="list-style-type: none"> • 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, Behaviour & Restraint Policy</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers 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 our 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>
<ul style="list-style-type: none"> • Staffgrievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>

<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

18. Appendix 3: Complaints Form

Data Protection Act 1998

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data to enable the school's management to monitor the effectiveness of the school complaint procedure. The information you give will be held securely and in confidence.

Please complete and return to Jacqueline McGibney (School's Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

(Mr/Mrs/Miss/Ms/Other

First Name:

Last Name:

Address:

Postcode:

Day time telephone number:

Evening Telephone Number:

If the complaint relates to a pupil, please provide:

Pupil's Name:

And relationship to the pupil:

Please provide details of your complaint.

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

What would you like the school to do to make improvements or put things right?

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

Signature:

Date: