



COMPLAINTS POLICY & PROCEDURE

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Policy Aim and Statement

To ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and children's confidence in the School's ability to safeguard and promote welfare. The School will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter, which may have gone wrong, and, where necessary, reviewing the School's systems and procedures in the light of the matters raised.

The School needs to know as soon as possible if there is any cause for dissatisfaction. The School recognises that a concern or difficulty, which is not resolved quickly and fairly, can soon become a cause of resentment, which can be damaging to the relationship between the School and the parent and child, and can have a detrimental effect upon the School's ethos and culture. Parents and children should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the child's future at the School, or place the child at a disadvantage in any way.

Legislation and Guidance

Application

Anyone can make a complaint about any provision of facilities or services that the school provides unless separate statutory procedures apply; this includes parents or carers of children at the school, parents or carers of children no longer at the school, and members of the public.

Such separate statutory procedures would apply to issues including;

- child protection
- admissions
- exclusions
- statutory assessments of special educational needs and the content of any resulting statutory plan (though concerns about the provision of SEN support at the school can be raised through this policy)
- school reorganisation proposals
- whistleblowing
- staff grievances and conduct dealt with under the school's internal disciplinary process
- services by other providers who may use school premises or facilities (who should have their own complaints policy)
- matters dealt with by regulatory bodies such as the JCQ and the ESFA, as well as National Curriculum content.

Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures that are strictly confidential, rather than under this Complaints Policy.

This Complaints Policy distinguishes between a concern and difficulty, which can usually be resolved informally, and a formal complaint that will require further investigation.

The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The School will ensure that all concerns, difficulties or complaint are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved

- All decisions will be made on a balanced and considered assessment of the information before the investigator only
- All decisions will be based upon logical conclusions, and not on mere speculation or suspicion
- All decisions will be supported by detailed reasons that will be disclosed to all parties involved.

Equality Act 2010

The School will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - Remove or minimise disadvantages connected to a relevant protected characteristic
- Take steps to meet the different needs of those sharing a relevant protected characteristic; and to Encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - Tackle prejudice; and
 - Promote understanding;

“Relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not children) marriage and civil partnership, and age.

In addition, the School will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage.
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

An auxiliary aid can be a piece of equipment or a service.

Meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant’s own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

If a Complainant or other person involved in the complaint’s procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the School know immediately.

GDPR / Data Protection Act 2018 and Freedom of Information Act 2000

Complaints sometimes include requests for information or documentation. Such requests will be either a “subject access request” under the Data Protection Act 2018 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the Data Protection Act 2018 must be responded to within one calendar month, and requests under the Freedom of Information Act 2000 must be responded to within twenty working days, however the School will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.

Retention of Records

A full written record will be maintained centrally at the School of all complaints made under Stages 2 to 3. Records of concerns, difficulties or complaints will be destroyed when the child to which they relate reaches the age of twenty-four years or, in the case of a child with a statement of special educational needs, when the child reaches the age of thirty years.

Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

Meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

Publication

This Complaints Policy will be published on the School's website and provided to parents and children on request by the School's office.

A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

Terms Used

For the purpose of this Complaints Policy, a "parent" includes the natural or adoptive parent of a child, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the child lives with them, whether the father has parental responsibility for the child or whether they have contact with the child

A "parent" will also include a non-parent who has parental responsibility for a child, an adult non-parent with whom the child lives, and an adult who is involved in the day-to-day care of the child (for example, collecting or dropping off the child from school).

Any reference to a "child" will also include a prospective or former child of the School.

A person making a complaint will be referred to as a "Complainant" throughout this Complaints Policy.

Concerns and Difficulties

Concerns:

The School expects that most concerns and difficulties (defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'), where a parent or child seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about an aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the School's systems or equipment, or a billing error.

Notification:

The concern or difficulty should be raised as follows:

- Education issues – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Headteacher or Deputy Headteacher, as appropriate.
- Pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Headteacher or Deputy Headteacher as appropriate.
- Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the Headteacher, or Deputy Headteacher.
- Financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office or the School Business Manager.
- An issue with a specific member of staff – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the

concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the Headteacher or Deputy Headteacher.

Procedure

The School's complaints procedure consists of three stages:

- Stage 1 – Concerns and difficulties, dealt with informally
- Stage 2 – Complaints formally investigated by the Chair of Governors
- Stage 3 – Formal Governing Body Complaints Panel

Stage 1: Complaint handled informally

The Headteacher/Deputy Headteacher will be the member of staff in charge of resolving complaints. Other members of staff may be asked for information or to help in resolving the complaint.

When a complaint is received, the Headteacher/Deputy Headteacher will investigate the complaint. Within 10 school days s/he will either write to the complainant to give the result of the investigation and details of any action the school proposes to take, or contact the complainant and invite him or her to a meeting, which will normally be held within a further five school days, to discuss the investigation and its outcome, or in exceptional circumstances its progress.

The Headteacher/Deputy Headteacher will keep a record of each complaint received, with any letter received or notes of the first conversation with the complainant, a note of the investigation and its outcome and a copy of the letter to the complainant or a note of the meeting with the complainant. These records should enable trends to be identified including possible issues on gender, disability and ethnicity.

The Headteacher will review the complaints records regularly to consider whether any change to school procedures is desirable.

Unresolved Concerns and Difficulties

The School will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

Record of Concerns and Difficulties

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record.

Stage 2: Formal Complaint to the Chair of Governors

Notification

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after fifteen school days, or a serious matter which requires formal investigation from the outset, should be set out in writing by the Complainant and sent to the Chair of Governors.

The Complainant should clearly set out the matters in dispute, the relevant dates, and the full names of the persons involved and what the Complainant believes the School should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

It is very important that the complaint is not discussed (even in outline) by the Governing Body as a whole as this would prejudice all the governors present and it would not then be possible for Stage 3 to take place.

Acknowledgement

The formal complaint will be acknowledged in writing within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

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 complaints committee which includes the facts and potential solutions

Contact email for the Chair of Governors: governors@springgrove.hounslow.sch.uk

Commented [WA(GLA&PS1): This is a proposed addition to stage 2

Commented [WA(GLA&PS2): Can we include the email address?

Stage 3: Formal Governing Body Complaints Panel

If the complainant is still not satisfied, he or she may ask the Chair of the Governing Body to set up a complaints panel to consider the complaint at a meeting of the panel. At this stage, the complaint may well be different from the original complaint lodged as it may include dissatisfaction with the action taken by the school management to resolve the original complaint.

As it will be necessary to guard against any possibility of conflict of interest, governors who have previously been involved in the complaint or who know the complainant personally or who have any other interest in the complaint should not serve on the complaints panel.

Also, in so far as complaints concern the management of the school or issues of classroom management, it would not normally be appropriate for staff or teacher governors to be panel members, unless it is impossible otherwise to convene a panel to meet in good time. This panel will make a final decision on the complaint on behalf of the whole Governing Body. A member of the school administrative staff or the clerk to the governors will normally act as clerk to the panel, arranging a date for the hearing agreed by all parties (normally within 15 school days of the complainant's request for a panel to hear the complaint), circulating any documents in advance of the hearing, and recording minutes of the hearing.

The members of the panel will appoint one of their number, not a member of staff of the school, as Chair.

The panel will receive any written evidence from the complainant and the action taken to resolve it. Any written evidence will be circulated to all parties before the hearing. It may well be that the outcome of any investigation by the Lifelong Learning, Leisure and Cultural Services department may be submitted as part of the evidence either by the Headteacher or by the complainant. The panel will hear statements from the complainant and the Headteacher and evidence from witnesses from both sides relating specifically to the complaint and the action taken. The panel will be able to question the complainant, the headteacher and the witnesses, and the headteacher and complainant can question each other and the witnesses. The format will be:

1. Introductions by the Chair of the Panel
2. Complainant makes statement of complaint and background
3. Questions to complainant by panel and Headteacher
4. All parties hear and question witnesses called by complainant
5. Headteacher makes statement
6. Questions to Headteacher by panel and complainant

7. All parties hear and question witnesses called by Headteacher
8. Headteacher makes final statement
9. Complainant makes final statement
10. The complainant and the Headteacher leave the hearing
11. Panel considers case in private and reaches decision on whether the complaint is upheld, upheld in part, or rejected. The panel may ask for a particular action to be taken by the school, or for a change in school procedure.

Once the panel has reached a decision, it is final. The Chair of the panel will communicate the decision to the complainant in writing, or arrange for the clerk to do so, within 3 school days of the hearing. If the complainant then tries to reopen the complaint, the Chair will write to say that the procedure has been exhausted and the matter is therefore closed.

The only further recourse for the complainant is generally to the Secretary of State for Education and Skills, or to the Local Government Ombudsman, because the Governing Body has not considered the complaint properly.

Attendance

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented.

However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend

Resolution Principles

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the Complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaint's procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An apology
- An explanation;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- Reassurance that the School will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

Outcome Principles

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the School because of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.
- The matter has been fully investigated and, therefore, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.

Complaints against the Headteacher or a Governor

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure, however, in these circumstances we will notify you and provide an explanation as to why;

For example, if the complaint is about the headteacher, or a member of the local governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2 instead.

Complaints about the headteacher or member of the local governing body must be made to the Clerk, via the school office.

If the complaint is:

- Jointly about the Chair and Vice Chair; or
- The entire governing body; or
- The majority of the governing body,

An independent investigator appointed by the governing body may consider Stage 2, and a committee of independent, co-opted governors may hear Stage 3.

At the conclusion of their investigation, the independent investigator (and at Stage 3, the committee of independent, co-opted governors) will provide a formal written response.

Time Limits

The School aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the School is open to children. The definition of "school day" excludes weekends, school holidays, bank holidays and staff training days. For the avoidance of doubt, term dates are published on the school website, and information about term dates is made available to parents and children periodically.

Although every effort will be made by the School to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the School will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit that will apply.

If the School has made reasonable attempts to accommodate complainants with dates for complaint meetings and they refuse or are unable to attend the School may:

- Convene meetings in their absence and reach a conclusion in the interests of ending the complaint.

Late Complaints

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the School reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint, which was submitted late, will not be investigated, the School will write to the Complainant notifying them of the decision within 5 school days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint that was submitted late, the Complainant may write to the Chair of Governors at the School asking for the decision to be reviewed. The Chair of Governors will be provided with all documentation relating to the complaint, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Governors will not investigate the complaint itself during this review.

The Chair of Governors will write to the Complainant with the outcome of the review within ten school days of the date that the letter from the Complainant seeking the review was received, and provide the School with a copy of the letter.

If the Chair of Governors quashes the decision not to investigate the complaint, it will be referred to the School to be dealt with under this Complaints Policy in the usual way.

If the Chair of Governors upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education & Skills Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Governors can delegate the responsibility for the review to the Vice chair of Governors.

Persistent or Serial Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the School. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters that do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a poor use of the School's resources to deal with it under the formal stages of the procedure.

In all of these cases, the School reserves the right to regard the complaint as persistent or serial and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint is persistent or serial and will not be investigated, the School will write to the Complainant within five school days of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a persistent and/or serial complaint, they may write to the Chair of Governors to ask for the decision to be reviewed. The Chair of Governors will be provided with all documentation relating to the current complaint and any previous complaints that were relevant to the decision, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Governors will not investigate the complaint itself during this review.

The Chair of Governors will write to the Complainant with the outcome of the review within 10 school days of the date that the letter from the Complainant seeking the review was received.

If the Chair of Governors overturns the decision not to investigate the concern or complaint, it will be referred to the School to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education & Skills Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Governors can delegate the responsibility for the review to the vice chair of Governors.

Anonymous Complaints

The School will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the headteacher who will decide what, if any, action should be taken.

Duplicate Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, we receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject, we will confirm either that;

- the school has already considered this complaint and the local process is complete; or
- the school is currently considering this complaint.

The author of the duplicate complaint will be advised that once the original complaint has completed all stages under this Complaints Policy, they can contact the Education & Skills Funding Agency if they are dissatisfied with the School's handling of the original complaint.

Any new aspects to the complaint not previously considered will be investigated and dealt with in accordance with this complaint's procedure.

Appendix 1 – Formal Complaint Form

Please complete and return to the School who will acknowledge receipt and explain what action will be taken.

Your Name:	Child's Name:
Your Relationship to Child:	Child's DOB and Form:
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	Date:
<i>For Official Use:</i>	
<i>Date Acknowledgement Sent:</i>	
<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>