

# School Complaints Policy



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# Seascope Primary School

## School Complaints Policy

This policy takes full account of recent updates to guidance and best practice in investigating and resolving complaints in school and complies with Section 29 of the Education Act 2002.

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 serial and unreasonable complaints.

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure 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 make sure 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.

### **The difference between a concern and a complaint**

A 'concern' may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, your complaints procedure should be followed.

## **Who can make a complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

Complaints can be made about the Headteacher, individual members of the Governing Body or the whole Governing Body.

There are certain complaints which fall outside the remit of the Governing Body's complaints procedure. They are shown at Appendix 1 and include:

- Matters that are the responsibility of the Local Authority
- Conduct of staff at the school (staff grievances and disciplinary procedures)
- Content of a statutory statement of Special Educational Needs
- Pupil admissions
- Pupil exclusions
- Child Protection/Safeguarding

## **Purpose of a Complaints Procedure**

This procedure aims to reassure anyone with an interest in the school that:

- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school practices as well as provision.

This Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality wherever possible
- address all the points at issue and provide an effective response and appropriate redress, where necessary

## **Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved

- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

### **Resolving Complaints**

At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage
- An admission that the school could have handled the situation better is not the same as an admission of negligence
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Recording Complaints**

Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (email). An example of a complaint form can be found in Appendix 2. At the end of a meeting or telephone call, it would be helpful to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

### **Monitoring the Policy**

The Governing Body should review their Complaints Policy regularly and monitor the number and range of complaints received, how these were dealt with and any action taken. The monitoring and review of complaints can be a useful tool in evaluating the school's performance.

### **Complaints about the Headteacher**

Where it is clear that a complaint is against the Headteacher the matter has to be referred immediately to the Chair of Governors who, acting as *line manager*, will be responsible for dealing with the matter.

It is not always clear if the complaint is against the Headteacher given they are responsible for all operational decisions across the school even if made by other staff. In most cases complaints raise concerns around the conduct of the Headteacher. In any event, advice from the Local Authority should be sought.

School and Governor Support Service can assist in the investigation of such complaints if the individual schools have bought back into the *Support to Chairs* Service Level Agreement. If not, support can be arranged but at a higher cost.

### **Complaints about a Governor / Governing Body**

Where it is clear that a complaint is against a Governor (other than the Chair of Governors), the matter has to be referred immediately to the Chair of Governors who, acting as Line Manager, will be responsible for dealing with the matter.

If the complaint is against the Chair of Governors or the whole Governing Body, the matter should be referred to the Clerk to the Governing Body in the first instance.

In any event, advice from the Local Authority should be sought.

### **Complaint campaigns**

Complaint campaigns are defined as school or a member of staff being the focus of a campaign and where large volumes of complaints are received:

- all based on the same subject
- from complainants unconnected with the school

In cases of complaints of this nature, a response will be made which may include (but not be limited to):

- sending a template response to all complainants
- publishing a single response on the school's website

### **Vexatious Complaints**

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Clerk to the Committee hearing the complaint at Stage 3 of the process is able to inform them in writing, that the procedure has been exhausted and that the matter is now closed.

### **Third parties**

All third-party providers employ their own complaints procedures for when they are using school premises or facilities to offer:

- community facilities
- services

For further information on these separate policies, please contact the school office.

### **Time Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each

action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

The time limits are set using school working days i.e. excluding school holidays.

At each stage, clarification will be made regarding who exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility, for example, the possibility of further meetings between the complainant and the person investigating the complaint.

There is a time limit of three months from the date of the incident/ concern to lodging a formal complaint. However, school will consider extending this timeframe in the case of exceptional circumstances.

### **Informal resolutions**

School will always endeavour to attempt to work with complainants in an attempt to secure an informal resolution, before making a formal complaint, if it's appropriate to do so.

If the complainant wishes to raise a formal complaint, school will not attempt to prevent this by insisting on informal resolution first.

### **Legal representation**

In the event that a complaint progresses to a committee of members of the school governors, it is recommended that neither the complainant nor the school bring legal representation. These committees are not a form of legal proceedings. The aim of the governors committee should be:

- reconciliation
- to put right things that may have gone wrong

School recognises there are occasions where legal representation may be appropriate.

#### *Example*

*If a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.*

If a complainant commences legal action against the school in relation to their complaint, school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

### **Complaints Policy**

#### **Stage 1 Mediation Stage – Complaint heard by staff member**

It is in everyone's best interest that complaints are resolved at the earliest possible stage and as quickly as possible. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Therefore, if staff and Governors are aware of the policy they will know what to do should they receive a complaint.

If the member of staff involved feels too compromised to deal with a complaint, the complaint could be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. Where the complaint concerns the Headteacher the complainant is referred to the Chair of Governors.

Where the first approach is made to a Governor, the complainant should be referred to the appropriate person and advised of the policy. Governors should not act unilaterally on an individual complaint given that they may be required to sit on a panel at a later stage of the procedure.

The Headteacher's influence may already have shaped the way complaints are handled in the school and resolved the complaint at this stage. If the informal process has been exhausted and no satisfactory solution has been found the complainant should be advised that their complaint could progress to Stage 2 of the policy.

If the complainant is not satisfied with the response they should request that their concerns be referred to the Headteacher (if they have not already dealt with the issue). The complainant should be invited to put the complaint in writing to the Headteacher (or Chair of Governors if the complaint is against the Headteacher) using the form attached at Appendix 2. The form should be sent to the Headteacher or Chair of Governors, as appropriate, as soon as possible. The Chair of Governors can be contacted via the school. The Headteacher will seek any necessary clarification of the concerns including interviewing the complainant where this would be helpful. The Headteacher will advise the complainant of the outcome of their consideration. Other than in exceptional circumstances the Headteacher should provide a response to the complainant within 10 school days of them requesting the involvement of the Headteacher.

## **Stage 2 – Complaint heard by Headteacher or Chair of Governors**

Where the Headteacher has addressed the complaint at Stage 1 the matter should progress to Stage 3 and be heard by a Committee of the Governing Body. Where another staff member has addressed the complaint at Stage 1, the Headteacher will hear this stage.

The Headteacher should acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Headteacher may still seek to resolve the complaint informally.

The Headteacher will investigate the complaint and a written response will normally be made within 15 school days of receipt of the complaint. If this is not possible, an extension can be agreed.

The written response will include reasons for the conclusions reached by the Headteacher, what action, if any, the school proposes to take to resolve the matter and advise the complainant of the right to request a meeting with Governors if they remain dissatisfied with the outcome.

The complainant will have 10 school days from receipt of the outcome letter in which to request an Appeal.



### **Stage 3 – Appeal Heard by a Committee of the Governing Body**

Where a complainant has made an approach to the school through the formal stage and is not satisfied with the outcome, they should write to the Clerk to the Governing Body giving details of their concerns and asking for an appeal against the decision or action taken by the Headteacher (or Chair of Governors, if involved at Stage 2). The Clerk will seek to arrange a meeting of the appropriate Committee of the school's Governing Body within 20 school days.

The Governing Body of the school will only hear appeals that have already progressed through Stages 1 and 2 of this procedure.

As the Chair of Governors may be involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher) it may be wise not to include the Chair as a member of the Committee to avoid any possible challenge that the Chair was not sufficiently impartial.

This is the last stage of the complaints policy.

#### **The Complaints Committee**

The Committee should consist of no less than three Governors who have no prior knowledge of the complaint. The Committee will appoint their own Chair. The Headteacher or Chair of Governors would be expected to attend the appeal hearing to give evidence and explain their conclusions.

The Committee 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 school's systems or procedures to ensure that problems of a similar nature do not recur.
- No further action where complaint is dismissed in full.

#### **Notification of the Committee's Decision**

The Chair of the Committee needs to ensure that the complainant is notified of the Committee's decision, in writing.

The Clerk to the Governing Body will notify in writing the outcome of the appeal to the complainant and Headteacher within five school days of the hearing.

#### **Further Recourse**

##### **Secretary of State for Education**

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 is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not 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.

### **Local Government Ombudsman**

- If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but they cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.
- The Ombudsman would not take action until the school procedures have been completed.

Contact Details: Local Government Ombudsman Advice Team 0300 061 0614 email [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

<b>Types of Complaint</b>	<b>Appropriate Procedure</b>	<b>Contact</b>
General School Complaints (not including areas listed below)	School Complaints Procedure	Headteacher of the School
Matters the responsibility of Local Authority <b>only</b> e.g. Home-to-School Transport	Local Authority Complaints Procedure	Strategic Commissioning, Children and Young People's Services, County Hall, Durham, DH1 5UJ
Complaints about the School Curriculum	National Curriculum and Religious Education Complaints Procedure	Head of Access & Inclusion, Children & Young People's Services, County Hall, Durham DH1 5UJ
Conduct of school staff (except the Headteacher)	School Disciplinary Procedure	Headteacher of the School
Conduct of the Headteacher	School Disciplinary Procedure	Chair of the Governing Body via the School
Special Educational Needs review of or content of statutory statement	Various – provided for by 1996 Education Act	Special Educational Needs: Placement and Provision, Children and Young People's Services, County Hall, Durham DH1 5UJ
Admission of Pupils to: County or Controlled Schools	Independent Appeal Panel (non-admission)	Admissions Team, Children and Young People's Services, County Hall, Durham DH1 5UJ
Church (Aided) Schools	Appeal Panel (non-admission)	Governing Body of the school
Exclusion of Pupils: County or Controlled Schools	Provision of 1993 Education Act	Pupil Casework Team, Children and Young People's Services, County Hall, Durham DH1 5UJ
Church (Aided) Schools	Provision of 1993 Education Act	Governing Body of the school

**Child Abuse**

Local Children's'  
Safeguarding Board  
(LCSB)

Head of Safeguarding and  
Specialist Services, Children  
and Young People's  
Services,  
County Hall, Durham  
DH1 5UJ  
Initial Response:  
0845 850 5010

## Complaint Form

Your name:

Pupil's name:

Name of School:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give 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 actions do you feel might resolve the problem at this stage?

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

## **Procedure for Hearing the Complaint**

### **Introduction**

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

### **Order of Meeting**

1. The Chair welcomes the complainant and asks those present to introduce themselves.
2. The Chair explains the purpose of the meeting, the procedure, and checks that all written evidence has been made available to all parties.
3. The complainant explains their complaint, calling witnesses if appropriate.
4. The Committee and Headteacher may ask questions of the complainant and witnesses.
5. The Headteacher is then invited to present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure, calling witnesses, if appropriate.
6. The Committee and complainant may ask questions of the Headteacher.
7. The Headteacher summarises the schools position, highlighting evidence, including anything that has emerged in the questioning.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
10. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
11. The Committee considers the complaint and reaches a unanimous or majority decision. Where necessary, the Committee decides what action to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
12. When a decision has been made and if agreed in advance, the Chair can inform both parties orally. In any event, both parties are informed of the outcome of the complaint in writing, within 5 school days of the hearing.

## Complaints Flowchart

