



**Harwell Community Primary School**

**Complaints Procedure**

|                                    |                       |
|------------------------------------|-----------------------|
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| Ratified by FGB                    | 18th November 2019    |
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## **Aims**

Harwell school aims to meet its statutory obligations when responding to complaints. Governors have adopted the following procedure to deal with formal complaints from members of the school community or general public.

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
- Keep complainants informed of the progress of the complaints process and anyone the complaint is about
- 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. These aims are in line with the school values of Respect, Responsibility, Resourcefulness and Resilience, and is in line with the school's promotion of fundamental British Values.

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

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Harwell Community Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions, grievance, disciplinary and capability), we will use this complaints procedure.

## **Legislation and guidance**

This procedure 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) published on 11 January 2019.

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

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Harwell Community Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Assistant Headteacher or Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Assistant Headteacher or Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Assistant Headteacher or Headteacher will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **How to raise a concern**

A concern can be made in person, in writing (email) or by telephone. They may also be made by a third party acting on behalf of an individual, as long as they have appropriate consent in writing to do so. Concerns should be raised with either the class teacher, assistant headteacher or headteacher.

## **Resolving Concerns**

The school takes informal concerns seriously and will make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. If parents, pupils, the wider school community or members of the public have concerns they should:

1. Discuss their concerns with the relevant member of staff most directly involved as soon as possible, either in person or by letter, telephone or email. If the individual is unclear who to contact or how to contact them, they should contact the school office or School Business Manager. The school will

acknowledge concerns and investigate and provide a response as soon as practicable.

2. *If not satisfied* then they should discuss their concerns with the assistant headteacher or other senior member of staff
3. The informal stage will often involve a meeting between the individual and a senior member of staff, possibly the assistant headteacher or the headteacher as appropriate.

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

### **How to raise a complaint**

A complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent in writing to do so.

Complainants should not approach individual governors. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, by email to [clerk@harwellprimaryschool.co.uk](mailto:clerk@harwellprimaryschool.co.uk) or by letter via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body by email to [clerk@harwellprimaryschool.co.uk](mailto:clerk@harwellprimaryschool.co.uk) or by letter via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the School Business Manager. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations

## **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## **Time scales**

You **must** raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply. It is the decision of the Chair of Governors as to whether the circumstances are exceptional.

## **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **Scope of this complaints procedure**

This procedure covers all complaints about any provision of community facilities or services by Harwell Community Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

| <b>Exceptions</b>   | <b>Who to contact</b>  |
|---|--|
| Admissions to schools<br>Statutory assessments of Special Educational Needs<br>School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Oxfordshire County Council  |
| Matters likely to require a Child Protection Investigation  | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.<br><br>If you have serious concerns, you may wish to contact the local authority designated officer (LADO 01865 815843) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH 0345 050 7666) |
| Exclusion of children from school*  | Further information about raising concerns about exclusion can be found at:  |

|   |  |
|---|--|
|   | <p><a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p><u>Harwell School Behaviour policy</u></p>  |
| Whistleblowing  | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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 directly with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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> |
| Staff grievances  | Complaints from staff will be dealt with under the school's internal grievance procedures.   |
| Staff conduct   | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>   |
| Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.  |

|                               |   |
|-------------------------------|---|
| National Curriculum - content | Please contact the Department for Education at:<br><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> |
|-------------------------------|---|

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. The complainant will be kept informed by writing in this instance.

If a complainant commences legal action against Harwell Community Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded. The complainant will be kept informed by writing in this instance.

### **Resolving complaints**

Complainants should be encouraged to state what actions 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. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Should the complaint come from a governor about the work of the governing board then the first stage would be to discuss their concerns with the Chair of the relevant Committee. If they are not satisfied, they should write to the Chair of Governors. Complaints should be directed to the Clerk to Governors.

At each stage in the procedure, Harwell Community Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part or dismissed.

In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Stage 1: Formal Complaint - Inform the headteacher in writing**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within three school days.

Within this response, the headteacher will seek to:

- clarify the nature of the complaint,
- ask what remains unresolved and
- what outcome the complainant would like to see.

The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The headteacher may delegate the investigation to another member of the school's senior leadership team or a suitably skilled person but not the decision to be taken.*

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within fifteen school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Harwell Community Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor or individual will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, by email to [clerk@harwellprimaryschool.co.uk](mailto:clerk@harwellprimaryschool.co.uk) or by letter via the school office marked 'private and confidential'.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2: submit the complaint to the review panel**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting of members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, by email to [clerk@harwellprimaryschool.co.uk](mailto:clerk@harwellprimaryschool.co.uk) or by letter via the school office, marked 'private and confidential' within ten school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge it within three school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Chair of Governors will decide if exceptional circumstances apply.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations.

If parties are being invited to a meeting, the Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. We do not allow either party to

bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate for a witness. 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. Legal representation must be agreed with the Chair of the Complaints Committee at least three school days in advance of the meeting. Failure to obtain this agreement may lead to the meeting being postponed.

If the complainant is invited and rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Harwell Community Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

*Note: Complaints about staff conduct will not generally be handled under this complaints 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.

At least five school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least three school days before the meeting.

Any written material will be circulated to all parties at least three school days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will **not** review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are **not** 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. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken 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 Committee will provide the complainant and Harwell Community Primary School with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Harwell Community Primary School.

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Harwell Community Primary School. They will consider whether Harwell Community Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

### **Serial and unreasonable complaints**

See the school policy on managing serial and unreasonable complaints.

Appendix 1

Complaint Form

Please complete and return to the Headteacher (or Clerk to Governors) who will acknowledge receipt and explain what action will be taken. To ensure privacy, please print this form and mark the envelope 'private and confidential'.

|  |
|--|
| <b>Your name:</b>  |
| <b>Pupil's name (if relevant):</b>   |
| <b>Your relationship to the pupil (if relevant):</b>   |
| <b>Address:</b><br><br><b>Postcode:</b><br><br><b>Day time telephone number:</b><br><br><b>Evening telephone number:</b> |
| <b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>       |

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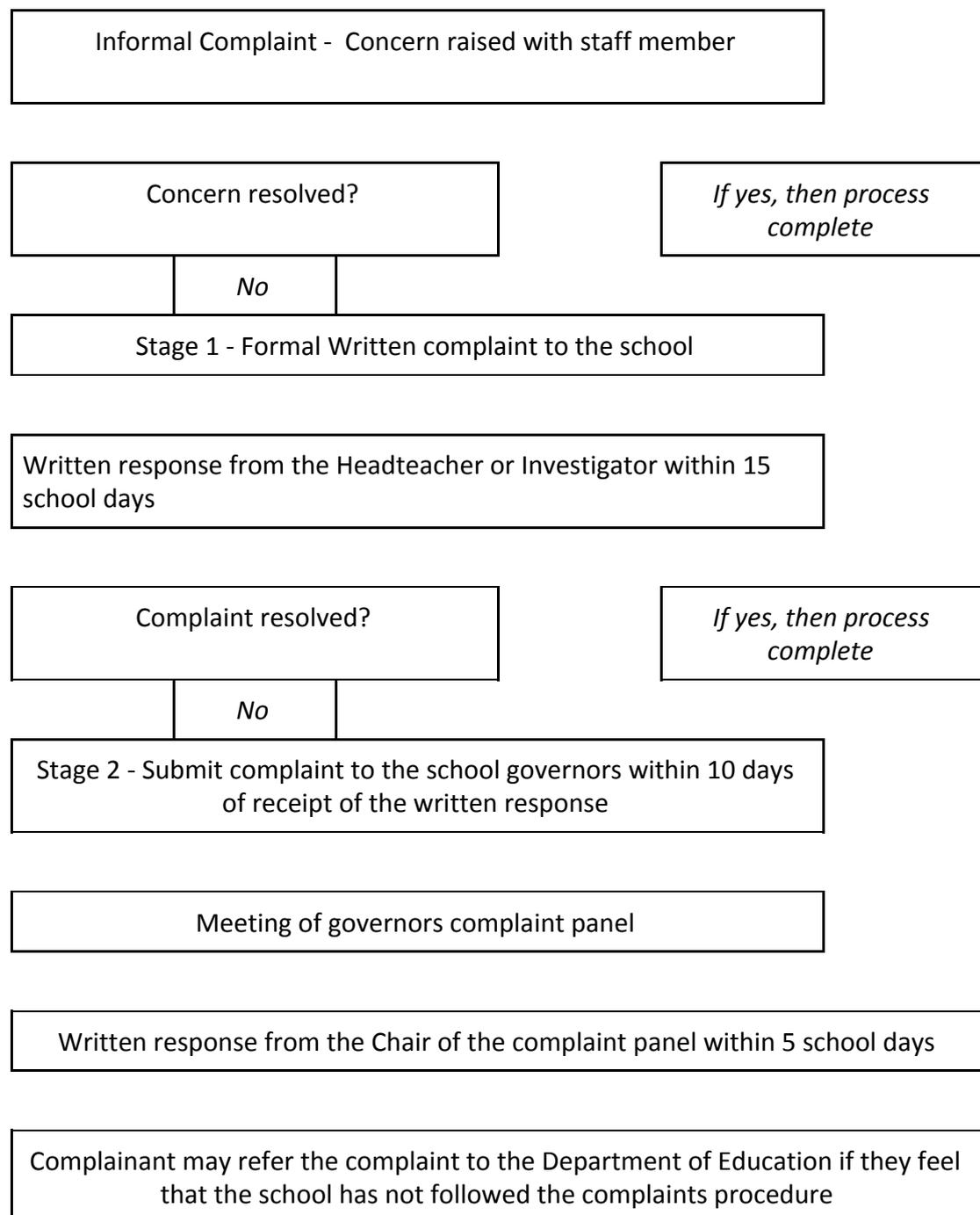
|   |
|---|
| <p><b>What actions do you feel might resolve the problem at this stage?</b></p> |
|---|

|  |
|--|
| <p><b>Are you attaching any paperwork? If so, please give details.</b></p> |
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|  |
|--|
| <p><b>Signature:</b></p> <p><b>Date:</b></p> |
|--|

Appendix 2

Flowchart of Complaints Procedure



## Appendix 3

### **Roles and Responsibilities**

#### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early and as concisely as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

#### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

#### **Chair of the Complaints Panel**

- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- notes are taken to assist in the deliberations of the committee
- they liaise with the Clerk

## **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator (In most cases, the School Business Manager)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- take notes and circulate the minutes of the meeting (if meeting attended rather dealing purely with written material)