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## Complaints Procedure Policy

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### Statement of Intent

Swallowfield Primary aims to resolve all complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher will be the first point of contact when following the complaints procedure.

### Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018
- The Education (Pupil Information) (England) Regulations 2005
- The School Information (England) (Amendment) Regulations 2016

### Aim

The aim of this policy is to ensure that any complaint is handled sympathetically, efficiently and at the appropriate level, resolved as soon as possible. Doing so is:

- Good for relationships.
- Good education practice

## **Introduction**

- 1 Governing Bodies of all maintained schools and maintained nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
- 2 Local authorities are required to set up a procedure for dealing with certain types of complaint, for example, complaints about the curriculum or collective worship in a school.

The Governing Body's complaints procedure does not replace the arrangements made for those types of complaints. In addition, there are certain complaints which fall outside the remit of the Governing Body's complaints procedure, for example, staff grievances or disciplinary procedures. The Governing Body will ensure that any third party providers offering community facilities or services through the school premises, or using school facilities (even if it is hiring out for a party) have their own complaints procedure in place.

## **General Principles of Complaints**

### **Dealing with Complaints – An Initial Concern**

The school needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases, the class teacher or the individual delivering the service will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### **Dealing with Complaints – Formal Procedures**

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The Deputy Headteacher and senior team within the relevant Key Stage has responsibility for the operation and management of the complaint. Should this person not be able to resolve the complaint the matter will be taken to the Headteacher.

### **Handling complaints from parents of children with SEND**

Some aspects of Special Educational Needs have specialised, statutory complaints procedures which do not fall within the remit of the school's general complaints policy. For further guidance on these matters parents are advised to contact the Local Authority.

## **Framework of Principles**

An effective 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;
- Address all the points at issue and provide an effective response and appropriate re-dress where necessary;
- Provide information to the school's Senior Leadership Team so that services can be improved.

### **Investigating Complaints**

At each stage, the person investigating the complaint will make 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 to gather all appropriate information;
- Clarify what the complainant feels would put things right;
- Interview all 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;
- Maintain a written record of each complaint with all information gathered recorded and dated at each stage, together with each stage and its outcome.

### **Resolving Complaints**

At each stage in the procedure the school 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;
- 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.

It would be useful if complainants were 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.

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.

### **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become prolonged. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Time Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible. 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 Formal Complaints Procedure**

### **The Stages of Complaint**

- 1 The school complaints procedure has well defined stages as indicated on the flow data (Appendix A). There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.
- 2 Three school-based stages will be followed:
  - Stage One: complaint heard by staff member (though not the subject of the complaint);
  - Stage Two: complaint heard by Headteacher;
  - Stage Three: complaint heard by Governing Body's complaints appeal panel.
- 3 An unsatisfied complainant can always take a complaint to the next stage.
- 4 In the case of a complaint, which concerns the conduct of the Headteacher, the matter should be referred to the Chair of Governors who will be the complaints co-ordinator.

## **Managing and Recording Complaints**

### **Recording complaints**

- 1 The person dealing with the complaint will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed.
- 2 A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.
- 3 The records will be held centrally.

### **Governing Body Review**

- 1 The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Governing Body will not name individuals.
- 2 As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

### **Publicising the Procedure**

There is a legal requirement for the Complaints Procedure to be publicised. At Swallowfield Primary the procedure will be published in:

- Documents supplied to community users including course information or letting agreements;
- The school website

## **Appendix A: Flow data**

Summary of dealing with Complaints

Complaint heard by member of staff

\* Ensure complaints co-ordinator informed of outcome

Issue resolved Issue not resolved

Complaint heard by Headteacher

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome

Issue resolved Issue not resolved

Governors' complaints panel meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision.
- Ensure complaints co-ordinator informed of outcome.