

Clifford All Saints Primary School



Clifford
ALL SAINTS
C of E Primary School

COMPLAINTS POLICY

Approved by: Rob Coleman	
Last reviewed on:	September 2021
Next review due by:	September 2024
Approved by:	Rob Coleman and Mo Andrews

Contents

Who can make a complaint?	22
The difference between a concern and a complaint	22
How to raise a concern or make a complaint	23
Anonymous complaints	33
Time scales	33
Complaints received outside of term time	34
Scope of this complaints procedure	34
Resolving complaints	45
Withdrawal of a complaint	55
Stage 1 – Informal complaints	55
Stage 2 – Formal complaints	56
Stage 3 – Panel Hearing	67
Complaint Form	940
Roles and Responsibilities	1142
Complainant	1142
Investigator (Usually the Executive Headteacher)	1142
Complaints Coordinator	1213
The clerk should:	1213
Clerk to the Governing Body	1213
Panel Chair	1213
Panel Member	1314
Additional information	1415

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 the 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), we will use this complaints procedure.

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. [Clifford All Saints 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 Executive Headteacher/Head of School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive Headteacher/Head of School 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, [Clifford All Saints](#) will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

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

Complaints against school staff (except the Executive Headteacher) should be made in the first instance, to the Executive Headteacher or Head of School via the school office. Please mark them as Private and Confidential. If the complaint was against the Head of School this will be dealt with by the Executive Headteacher.

Complaints that involve or are about the Executive Headteacher should be addressed to [Robert Coleman](#) (the Chair of the Interim Education Board: IEB¹), via the school office. Please mark them as Private and Confidential.

¹ Clifford currently has an Interim Education Board which undertakes duties, roles and responsibilities in place of a Governing Body. The IEB are appointed by the LA and approved by the DFE.

Complaints about the Chair of the IEB, any individual IEB member or the whole IEB should be addressed to the Clerk to the IEB 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 office. You can also ask a third-party organisation for example 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 Executive Headteacher, Chair of the IEB and/or the LA, 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.

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 Clifford All Saints, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>

<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. The behaviour policy is available on the website.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</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 under the appropriate procedures.</p>

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. If this happens, we will inform you of a proposed new timescale.

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

Resolving complaints

At each stage in the procedure, the school and IEB wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. 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 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher or Head of School in the first instance. Complainants should not approach individual IEB members to raise concerns or complaints. They have no power to act on an individual basis, unless specifically designated to investigate by the Chair of the IEB or LA, and it may also prevent them from considering complaints at Stage 3 of the procedure.

An informal complaint made to the class teacher would be passed to and discussed with the Head of School. Where possible the Head of School will deal with complaints at Stage 1, unless the involvement of the Executive Headteacher is deemed appropriate or is necessary due to availability of the Head of School.

If the complaint was about the Head of School this would be passed to and discussed with the Executive Headteacher.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 2 – Formal complaints

Formal complaints should wherever possible be made to the Executive Headteacher (unless they are about the Executive Headteacher), via the school office. This may be done in person or in writing using the Complaint Form. The Executive Headteacher will always deal with a complaint about the Head of School.

The Executive Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days. Please note that where a complaint is received in school holidays, the process of dealing with the complaint is unlikely to begin until the first school day after the holidays.

A complaints coordinator is appointed. This could be the Executive Headteacher, clerk, an IEB member or a member of administrative staff.

Within this response, the Executive Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

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

During the investigation, the Executive Headteacher 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 Executive Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Executive Headteacher is unable to meet this deadline, for example due to school holiday closures, 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 Clifford All Saints Primary will take to resolve the complaint.

The Executive Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Executive Headteacher, the IEB will appoint a suitably qualified person to undertake all actions at Stage 2. This is likely to be the Chair of the IEB.

If the complaint is about a member of the IEB (Including the Chair or Vice-Chair), a suitably skilled IEB member, LA governor or senior leader will undertake all actions at Stage 2. It is likely that the LA will support the school if it is in this position.

Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three IEB members, who were not directly involved in the matters detailed in the complaint. On occasions it may be impossible to secure three members of the IEB as this is a small group and particularly if the complaint is about a member of the IEB. In this situation the panel may appoint a Governor from another Diocese School.

This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the IEB, within 10 school days of receipt of the Stage 2 response. This should be done in writing via the school office, addressed to the chair of the IEB, Rob Coleman and marked, Confidential.

The complaint would be passed immediately to the Chair of the IEB who will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

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

The Chair of the IEB will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request depending on the availability of all parties. If this is not possible, the Chair of the IEB will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Chair of the IEB, 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.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. 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 complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Chair of the IEB or appointed 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 3 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also 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 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. Consent will be recorded in any minutes taken.

Due to the current situation regarding the COVID pandemic, during this time it may be necessary to make a decision to meet virtually. This would be avoided where possible. The IEB or the complainant may request this, stating the reasons why.

The panel 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 panel 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 Panel will provide the complainant and [Clifford All Saints Primary School](#) with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

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 [Clifford All Saints](#) will take to resolve the complaint.

The letter to the complainant will include details of how to contact the Secretary of State for Education if they are dissatisfied with the way their complaint has been handled by [Clifford All Saints](#).

Further information is available at <https://www.gov.uk/complain-about-school>

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Executive Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Complaint Form

Please complete and return to _____ (either Executive Headteacher / Rob Coleman) who will acknowledge receipt and explain what action will be taken.

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

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

Roles and Responsibilities

Complainant

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

- Explain the complaint in full as early 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 (Usually the Executive Headteacher)

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 where appropriate
 - 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.

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 Complaints Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Complaints Panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Coordinator

(this could be the Headteacher or Clerk designated complaints IEB member or staff member providing administrative support)

The clerk should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with staff members, Executive Headteacher, Chair of the IEB 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 panel 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
- Record the proceedings
- Circulate the minutes of the meeting
- Notify all parties of the committee's decision.

Panel Chair

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- The remit of the panel 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 panel is open-minded and acts independently
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- The meeting is minuted
- They liaise with the Clerk (and complaints co-ordinator).

Panel Member

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
No IEB member may sit on the panel 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 panel 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 panel 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 panel 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 panel considers is not in the child/young person's best interests.

- The welfare of the child/young person is paramount

Additional information

The Advice and Conciliation Service is an impartial Service based within Children and Young People's Services and aims to help all partners and agencies become more responsive to comments, complaints, criticisms and suggestions from parents and carers, young people and other service users.

They aim to investigate and resolve issues through mediation and to promote conciliation towards resolving difficulties.

The Service offers support to those who are dissatisfied with the service they have received from the Children and Young People's Service or from a school. They provide information, help and advocacy to parents, carers and others by suggesting approaches and ways of dealing with issues, to reduce the number of referrals that might otherwise become formal complaints.

They provide:

- Impartial information, advice and support to parents, carers, schools and others relating to a range of educational issues.
- Advice on rights, roles and responsibilities.
- Advice on the procedures for making and responding to complaints and appeals for information.
- Independent mediation and impartial support to parties involved in conflict.

The Service also aims to raise awareness by:

- Developing links and networks with schools, other agencies, professionals and organisations in order to raise awareness of parental concerns
- Providing parents and carers with a wide range of information and training to ensure they are empowered to make informed decisions about the education of children in their care.

The service can be contacted in the following ways:

- By Post: Advice and Conciliation Service, Level 7, West Wing, Moor foot, Sheffield S1 4PL Telephone: 0114 2053938 or 2053939
- Fax: 0114 2053940
- Email: ed-adviceandconciliation@sheffield.gov.uk