



St Keyna Primary School

Complaints Procedure

Ratified	15/7/26
Date of next review	14/7/29
Frequency of review	3 years
Governing committee	FGB
Statutory policy	YES
On School website	YES

St Keyna Primary School Complaints Procedure

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Who can make a complaint?

This Complaints Procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them. Any member of the public may make a complaint to St Keyna Primary school about any provision of facilities or services that the school provides.

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.’*

Initial concerns

It is in everyone’s interest that concerns and complaints are resolved at the earliest opportunity. Most issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. The school takes concerns very 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, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of facilities or services by St Keyna Primary School other than complaints that are dealt with under other statutory procedures, including:

Exceptions	Who to contact
Admissions to schools. Statutory assessments of Special Educational Needs. School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Local Authority.
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. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.

Exclusion of children from school	Further information about raising concerns about exclusion can be found at: Behaviour in schools: sanctions and exclusions: Exclusions - GOV.UK (www.gov.uk)
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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 direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. 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.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the School's internal disciplinary procedures, if appropriate. 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.
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: www.education.gov.uk/contactus

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 of a Complainant, as long as they have appropriate consent to do so.

Concerns should be raised via the office. This will be directed to the most appropriate person. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. 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, the Chair of governors, any individual governor or the whole Governing Body should be addressed to the Clerk to the Governing Body. 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 third party organisations such as 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

The school will not normally investigate anonymous complaints. However, the Headteacher or Chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

Complaint campaigns

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from Complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all Complainants; or
- publish a single response on the school's website.

Serial or Persistent Complaints

If a Complainant repeatedly raises the same issues, and has followed this process we will notify them that the matter is closed. The school may choose not to respond further unless new issues are presented.

Timescales

Complainants must raise the complaint within three months of the incident. We will consider complaints made outside this time frame if exceptional circumstances apply.

Complaints received outside term time

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

Resolving complaints

At each stage in the procedure, the school is committed to resolving the complaint. 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.

If appropriate, we will acknowledge that the complaint is upheld in whole or in part.

In progress complaints

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

If a Complainant provides insufficient information to support an investigation, the investigation will end.

If a Complainant changes schools during the complaint, the complaint procedure will continue to be followed to completion.

Any complaint in progress will have no impact on the school's actions in relation to applying their policies and procedures.

Dealing with complaints

The following procedure will be used when initial attempts to resolve a concern are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

There are 2 stages in the procedure:

Stage 1 – Complaint could be investigated by a) the Headteacher b) the Chair or Governors or c) an independent Governor

Stage 2 – Complaint investigated by a Panel of Governors.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or majority of the Governing Board,

then Stage 1 will be considered by an independent suitably skilled Governor. At the conclusion of their investigation, the independent Governor/investigator will provide a formal written response.

Stage 2 will be considered by an independent Panel.

Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This should be done in person, by telephone or in writing (preferably using the complaint form). 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 5 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 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 20 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 the 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 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 to the Governing Body.

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 its investigation, the independent investigator will provide a formal written response.

Stage 2

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 with members of the Governing Body's complaints Panel, which will be formed of the first three, impartial, governors available. This is the final stage of the Complaints Procedure.

The Panel will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide among themselves who will act as the Chair. The Panel can access available HR advice if appropriate.

A request to escalate to stage 2 must be made to the Clerk, within 10 school days of receipt of the stage 1 response. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

The Clerk will write to the Complainant to inform them of the date of the Panel meeting. They will aim to convene the panel within 20 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 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.

If the Complainant is invited to attend a meeting, they may bring someone along to provide support. This can be a relative or friend. 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.

Representatives from the media are not permitted to attend.

At least 15 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 Clerk at least 10 school days before the meeting.

The Panel will not 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.

Any 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.

The Panel will consider the complaint, and all the evidence presented.

Possible outcomes

The Panel 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:

- Suggest the appropriate action to be taken to resolve the complaint;
- where appropriate, recommend changes to the school's systems or procedures

The Chair of the Panel will provide the Complainant and the Headteacher a full explanation of their decision and the reason(s) for it, in writing, within 5 school days. The Headteacher will always receive the outcome

1 school day before the complainant to provide the opportunity for any immediate operational actions to be taken but the Headteacher will not change the outcome of the panel. 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.

If the complaint is jointly about the Chair and Vice Chair or the entire Governing Body or the majority of the Governing Body, stage 2 will be heard by a Panel of independent governors. 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 the school will take to resolve the complaint. The response will also advise the Complainant of how to escalate their complaint should they remain dissatisfied.

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. They will consider whether the 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 or by telephone on 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Appendix 1: Complaint Form

Please complete and return to the School Office, 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:
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:
Date:

Appendix 2: Roles and responsibilities

Complainant

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

- have taken full opportunity of raising a concern prior to considering a complaint
- 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 in order to avoid compromising the complaint process.

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 and analysis of records and other relevant information.
- liaising with the Complainant and the complaints coordinator as appropriate to clarify what the Complainant feels would put things right.

The investigator should:

- conduct interviews thoroughly
- 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 Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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 invited parties and that the venue and proceedings are accessible;
- record the proceedings;
- circulate the minutes of the meeting;

- notify all parties of the Panel's decision.

Panel Chair

The Panel 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;
- 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
- 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

Panel member

Panel 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 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 should a child/young person is present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that any child/young person present does not feel intimidated. The Panel should respect the views of the child/young person and give them equal consideration to those of adults. 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.