

## St Keyna Primary School

### Complaints Procedure Policy



#### **Rationale**

St Keyna Primary School aims to resolve all complaints as quickly as possible, and where possible, informally. This complaints procedure is not limited to parents or carers of children who are registered at the school. Any person is able to make a complaint about the provision of facilities or services that the school provides. All complaints within the scope of this policy must follow the procedure described herein.

A complaint can be resolved or withdrawn at any stage without necessarily needing to exhaust the full procedure.

#### **Scope**

This policy covers all complaints about any provision of facilities or services by St Keyna Primary School. The following areas are not within the scope of this policy:

- School admissions - such complaints should be directed to the local authority
- School exclusions<sup>1</sup> - challenges to a permanent exclusion should be directed to the local authority, challenges to an exclusion of 5 days or fewer or which does not result in a child missing a public examination or national curriculum test can be considered but cannot be overturned
- Statutory assessment of Special Educational Needs - such complaints should be directed to the local authority
- School reorganisation proposals - such complaints should be directed to the local authority
- Matters likely to require a Child Protection Investigation - such complaints will be dealt with under the Child Protection and Safeguarding Policy
- Whistleblowing - such complaints will be dealt with under the internal whistleblowing procedures
- Staff grievances - such complaints will be dealt with under the internal grievance procedures
- Staff conduct - such complaints will be dealt with under the internal disciplinary procedures
- Services of outside providers using school premises or facilities - such complaints should be directed to the service provider
- National Curriculum content - such complaints should be directed to the Department for Education

#### **Definitions**

For the purposes of this policy, a "concern" is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

Concerns should be raised directly with the relevant staff member. If this is not possible, concerns can be raised with the Head Teacher who may refer the concern to another suitable member of staff if they believe this to be necessary. St Keyna Primary School takes all concerns seriously and will seek to resolve them as quickly as possible. Concerns should not normally be raised with the Governing Body [here and after "the Governors"] nor should members of the Governors seek to address or resolve concerns relating to educational matters; this is the professional responsibility of school staff.

A concern can be elevated to a complaint if it has not been dealt with or resolved to the satisfaction of the party who raised it, or a complaint can be made without having been raised as a prior concern.

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<sup>1</sup>complaints about the application of the Behaviour Policy do fall within the scope of this policy

For the purpose of this policy, a "complaint" is defined as "a formal expression of dissatisfaction, expressed in writing, about a member or members of the school's staff or the Governors, who is/are considered not to have followed the school's or local authority's policies, procedures, rules or code of conduct".

For the purposes of this policy, a "complainant" is defined as "any person(s) who has made a complaint within the scope of the St Keyna Primary School Complaints Procedure Policy".

For the purposes of this policy, an "investigator" is defined as "the Head Teacher, Chair of Governors or their suitably qualified delegate who is tasked with establishing the facts of the complaint and determining if the relevant policies, procedures, rules or codes of conduct have been properly followed".

### **Principles**

This policy, and the procedure it describes, is guided by the following principles:

- The welfare and educational outcomes of any child involved in a complaint will always be paramount.
- All complaints should be made in writing either physically or electronically via the school office, flagged for the attention of the relevant investigator and marked as "Private and Confidential".
- All parties involved in complaints will treat each other with respect at all times.
- All parties involved in complaints will keep the details confidential at all times.
- All parties involved in complaints will respond promptly, fully and honestly to requests for information.
- The investigator will act in a transparent, fair and unbiased manner at all times.
- The investigator will concern themselves only with the discernible facts of the complaint and will not take into account matters which cannot be substantiated without fact or evidence.
- The investigator will not make a decision on the professional or academic judgement of a member of staff; their decision is solely concerned with whether the relevant policies, procedures, rules or codes of conduct have been properly followed.
- The investigator will seek to conclude their investigation in a timely manner and will frequently keep all parties informed of how the investigation is proceeding.
- A true and full record of correspondence, interviews and any other information relevant to the complaint will be securely kept.

### **Making a Complaint**

Complainants should not approach individual staff or governors to raise complaints outside of this procedure and a complaint can only be investigated if made in accordance with this policy.

Complaints about school staff either individually or collectively, other than the Head Teacher, should be made in writing to the Head Teacher. The Head Teacher, or their suitably qualified delegate, will then commence an investigation in accordance with this policy.

Complaints about the Head Teacher or an individual governor should be made in writing to the Chair of Governors [here and after "the Chair"]. The Chair, or other suitably qualified governor, will then commence an investigation in accordance with this policy.

Complaints about the Chair or the entirety or majority of the Governors should be made in writing to the Clerk to the Governing Body [here and after "the Clerk"]. The Clerk will then engage a suitably qualified external party (usually a governor from another school) to investigate in accordance with this policy.

Complaints must be made within 3 calendar months of an incident occurring, or within 3 calendar months of the last of a series of associated incidents occurring. Complaints made outside this timeframe will only be investigated on an exceptional basis and at the discretion of either the Head Teacher or the Chair.

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

Complaints made anonymously will only be investigated on an exceptional basis and at the discretion of either the Head Teacher or the Chair.

A template complaint form is available and support in completing this can be sought via the school office or an external source, such as Citizens Advice.

### **Investigating a Complaint**

Upon receipt of a complaint, the investigator will record the date and acknowledge receipt of the complaint in writing to the complainant within 5 school days. Within their acknowledgment, the investigator will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

The investigator will decide how to deal with gathering evidence and testimony from the complainant and any other relevant parties. This can be achieved either through written submissions or in a meeting. The investigator will give due regard to any needs and reasonable adjustments of all parties when making their determination.

The investigator will be granted access to any and all documentation from any party involved in the complaint that they deem relevant to the investigation.

The investigator will arrange for a suitable date and venue for any meeting, but a meeting will normally occur on school premises in all but exceptional circumstances. If the complainant rejects the offer of three proposed meeting dates, without good reason, the investigator will unilaterally decide the meeting date from the already agreed options. If this is the case, the investigation will proceed in the complainant's absence.

If the complainant attends the meeting, they may be accompanied by a support provider. Generally, the attendance of legal representatives will be discouraged. Staff members to be interviewed during an investigation have the right to be accompanied either by a colleague who is not involved in the complaint in any way or by a representative of their Trade Union. Representatives from the media are not permitted to attend meetings nor be privy to confidential matters.

The meeting will be held in private with the matters discussed considered confidential and notes taken. Electronic recordings of the meeting will only be permitted to fulfil a reasonable adjustment and informed consent will be obtained, and recorded, from all parties prior to a recording taking place.

At the conclusion of their investigation and after consideration of all the evidence, the investigator will decide, using the civil standard of proof, that is the balance of probabilities, whether the relevant policies, procedures, rules and codes of conduct have been followed.

The investigator will then provide a written response to the complainant, normally within 30 school days of receipt of the complaint, listing their decision as well as the evidence and reasons they used to reach

this. If the investigator is unable to conclude their investigation within this timeframe, they will provide the complainant with an update on the investigation and a revised response date, which will be as soon as practical. Where relevant, the investigator will list any resolutions from those laid out below.

### **Suspension of the Complaints Procedure**

Although St Keyna Primary School is committed to dealing with all complaints fairly and impartially, and will never hold prejudice against any individual for making a complaint, unacceptable behaviour will not be tolerated and action will be taken to protect the school community from such behaviour. In such cases, or where a complaint is deemed "unreasonable", the procedure described in this policy may be suspended and the complaint will not be investigated.

A complaint may be regarded as "unreasonable" if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of the Complaints Procedure Policy.
- Insists on the complaint being dealt with in ways which are incompatible with this policy or published good practice guidance.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff or others who are dealing with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is not upheld or has been addressed).
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and/or stressful contact with staff or others regarding the complaint.

A complaint may also be considered unreasonable if the complainant:

- Acts in a malicious or aggressive manner
- Acts in a threatening, intimidating or violent manner
- Uses abusive, offensive or discriminatory language
- Uses falsified information

The investigator will discuss any potential for suspension of the procedure with the complainant and inform them in writing that their behaviour could result in their complaint being regarded as "unreasonable". If any such behaviour continues, the investigator will inform the complainant in writing that their complaint is now considered "unreasonable" and an investigation will no longer take place. The investigator will not suspend this procedure on the basis that the complainant is difficult to deal with or they ask multiple or complex questions. Fair warning and a reasonable chance to change their behaviour must be given to the complainant before this procedure is suspended.

An investigator may also decide to suspend this procedure if, upon investigation, they determine that the complaint is outside the scope of this policy, in which case they will direct the complainant to the

appropriate policy or procedure, or if any part of the complaint becomes subject to legal proceedings or an external investigation.

If St Keyna Primary School receives a large number of complaints on the same subject, a single standardised response based on the initial investigation decision can be used without a new investigation commencing.

### **Resolving a Complaint**

At each stage in the procedure, St Keyna Primary School wants to resolve the complaint in a fair, unbiased and timely manner.

At the conclusion of an investigation, one of the following two decisions will be issued:

- Relevant policies, procedures, rules and codes of conduct were followed at all times; the complaint is thus dismissed.
- Relevant policies, procedures, rules and codes of conduct were not followed at all times; the complaint is thus upheld in whole or in part.

If a complaint is upheld, in whole or in part, one or more of following resolutions are available:

- An explanation of the circumstances, an admission that the situation could have been handled differently or better and an apology.
- An assurance that St Keyna Primary School will seek to ensure the incident(s) subject to the complaint will not reoccur and, where possible, an explanation of the steps that have been or will be taken to achieve this with an indication of the timescales within which any changes will be made.
- An instruction to the relevant staff member or governor, in light of the findings of the investigation, to review the decision or action which led to the complaint.
- An undertaking to review relevant school policies and procedures in light of the findings of the investigation with an indication of the timescales within which any changes will be made.

### **Challenging an Investigation Decision**

A complainant may challenge the decision of an investigator on one or more of the following grounds:

- There was a procedural error in the investigation of such nature as to cause significant doubt in the decision reached.
- There was bias or discrimination during the investigation of such nature as to cause significant doubt in the decision reached.
- New evidence has been made available which the complainant could not reasonably have provided during the investigation.
- The resolution to an upheld complaint is inappropriate or disproportionate.

Disagreement with the investigator's decision is, on its own, insufficient grounds to make a challenge.

A complainant must raise their challenge to the Clerk in writing via the school office within 15 school days of receipt of the investigator's decision. Challenges received outside this timeframe will only be considered on an exceptional basis. A complainant must identify on which ground(s) they are challenging the decision and list the evidence for the challenge in as much detail as possible.

The Clerk will then convene a Complaint Appeal Panel [here and after "the Panel"], normally within 20 school days after receipt of the complainant's challenge. The Panel will consist of three suitably qualified governors with no prior involvement or knowledge of the details of the complaint. If a sufficient number of such governors cannot be convened, the Clerk will source any additional independent external

governors as required. If the complaint concerns either the Chair or Vice-Chair of Governors or the entirety or majority of the Governors, the Panel will consist of three suitably qualified independent external governors with no prior involvement or knowledge of the details of the complaint. The Panel will appoint one of their members as Chair to ensure the smooth running of procedures and take responsibility for communicating outcomes.

The Panel will decide how to deal with gathering evidence and testimony from the complainant, the investigator and any other relevant parties. This can be achieved either through written submissions or in a meeting. The Panel will give due regard to any needs and reasonable adjustments of all parties when making its determination.

The Clerk will, in conjunction with the Panel Chair, arrange for a suitable date and venue for any meeting, but a meeting will normally occur on school premises in all but exceptional circumstances. If the complainant rejects the offer of three proposed meeting dates, without good reason, the Clerk will unilaterally decide the meeting date from the already agreed options. If this is the case, the meeting can proceed in the complainant's absence so long as all three Panel members are present.

If the complainant attends the meeting, they may be accompanied by a support provider. Generally, the attendance of legal representatives will be discouraged. Representatives from the media are not permitted to attend meetings nor be privy to confidential matters. The investigator does not need to be present at the meeting but must be given sight of and a right of reply to the complainant's challenge.

The Clerk will ensure that the complainant, the panel members and any other involved parties are provided with the date, time and venue of the meeting in reasonable time. The Clerk will ensure that any submissions to the Panel, additional to those already forming part of the complaint, are shared with all relevant parties in reasonable time for their due consideration.

The meeting will be held in private with the matters discussed considered confidential and minutes taken. Electronic recordings of the meeting will only be permitted to fulfil a reasonable adjustment and informed consent will be obtained, and recorded in the minutes, from all parties prior to a recording taking place.

The Panel will consider the challenge based on its own merits in relation to the grounds to challenge the investigator's decision as laid out above. The Panel will not reconsider the details of, or rehear, the original complaint. No new evidence, either in submission or through witness testimony, will be accepted unless the complainant could not reasonably have provided this during the original investigation. The Panel Chair will have final say over matters of admissibility.

After consideration of all the evidence, a simple majority of Panel members can determine either:

- The complainant has failed to demonstrate their challenge meets the grounds to challenge the investigator's decision as laid out above. The challenge is thus dismissed and the original decision stands.
- The complainant has demonstrated their challenge meets the grounds to challenge the investigator's decision as laid out above. The challenge is thus upheld, either in whole or in part, and the Panel will decide what action is to be taken to resolve the complaint from the resolutions listed in this policy.

The Panel Chair will provide the complainant with a full explanation of the Panel's decision and the reason(s) for it, in writing, within 5 school days of the meeting. Where appropriate, it will include details of actions St Keyna Primary School will take to resolve the complaint. It will also include details of how to contact the Department for Education if the complainant is dissatisfied with the way their complaint and/or challenge has been dealt with by St Keyna Primary School.

### **Continuing a Complaint Beyond the St Keyna Primary School**

If a complainant believes their complaint and/or challenge has not been dealt with in accordance with the procedure described in this policy or St Keyna Primary School or any member therefore acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have received the letter from the Panel Chair.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by St Keyna Primary School. They will consider whether St Keyna 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 in writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

### **Ratification and Review**

This policy was ratified by the Governors on 19<sup>th</sup> October 2022.

This policy will be reviewed, and potentially amended, following any national legislative changes, the issuance of new best practice guidance or by October 2023.

The Governors will regularly monitor and review the outcomes of complaints and challenges to continuously improve processes.

## Template Complaint Form

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Postcode:

Contact telephone number:

Email:

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 only**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**