

LITTLE HEATH SCHOOL

COMPLAINTS POLICY



APPROVED BY	Leadership and Management Committee
DATE	Mar 2023
REVIEW CYCLE	Annual
NEXT REVIEW DATE	March 2024
STATUS	Statutory
POLICY OWNER	Headteacher
GOVERNOR SUB-COMMITTEE	Leadership and Management Committee
ASSOCIATED POLICIES	Staff code of conduct, Grievance policy,

PURPOSE AND BACKGROUND

The school and the governing body believe that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

This policy should only be used for complaints about the education and care provided to students at the school, or the school's operational management.

The school takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints. The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot.

Formal procedures will be used 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 Complaints policy and any associated documents are published on the school website.

The policy shall apply to all employees and governors of the school. It is the shared responsibility of the Headteacher and the Chair of the Governing Body to ensure that other key stakeholders made aware of the policy and procedure.

POLICY OBJECTIVES

To deal with comments, grievances or complaints about the school in relation to the schooling of a child; the education and care provided to pupils; or the school's operational arrangements.

LEGISLATION AND STATUTORY REQUIREMENTS

This policy is based on advice from West Berkshire Local Authority's Human Resources and Legal teams, and is in line with guidance published by the Department for Education (DfE).

- Section 29 of the Education Act 2002 states the need to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaints procedure to be publicised.

POLICY IN PRACTICE

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 Little Heath School about any provision of facilities or services that the school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

CONCERNS AND COMPLAINTS

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. Little Heath 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 Headteacher's PA, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher's PA 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, Little Heath School will still attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

RAISING A CONCERN OR MAKING 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.

Concerns should be raised with either the class teacher, form tutor or Headteacher. 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 (office@littleheath.org.uk). 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, via the Clerk to the Governing Body (clerk@littleheath.org.uk). Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed, by email, to the Clerk to the Governing Body (email above). 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 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.

TIMESCALES FOR COMPLAINTS

This policy is limited to matters which can reasonably be investigated, and therefore complaints should relate to matters that have occurred with the last three months. Where a series of associated incidents have occurred, this must be within three months of the last of these incidents.

We will consider complaints made outside of this time frame if exceptional circumstances apply.

COMPLAINTS RECEIVED OUT OF TERM TIME

In responding to complaints made outside of term time, we will consider such complaints to have been received on the first school day after the holiday period.

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.

DUPLICATE COMPLAINTS

After closing a complaint, we may receive a duplicate complaint from another party. If the complaint is about the same subject, we shall inform the complainant that the school has already considered the complaint and that the local process is complete. Prior to this, there will be a careful check that there are no new aspects to the complaint. We shall advise the new complainant to contact the Department for Education if they are dissatisfied with the outcome of the original complaint.

COMPLAINTS CAMPAIGNS

Should the school become a focus of a campaign and receive large volumes of complaints all based on the same subject, or from complainants unconnected with the school, we shall send a template response to all complainants and/or publish a single response on the school's website. An example of this response would be the school's response to letters from anti-vaccination campaigns during the Covid pandemic.

SCOPE OF THE COMPLAINTS PROCEDURE

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

Exceptions	Whom to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with:</p> <p>West Berkshire Local Authority Council Offices Market Street Newbury West Berkshire RG14 5LD Tel: 01635 555111</p>
<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> <p>Fiona Goussard Council Offices West Street House West Street Newbury Berkshire RG14 1BD Tel: 01635 503190 Email : cpadmin@westberks.gov.uk</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/schooldiscipline-exclusions/exclusions</p> <p><i>* complaints about the application of the behaviour policy can be made through the school's complaints procedure</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 whistleblowers 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. 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>
<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.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</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 a complainant commences legal action against Little Heath 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.

RESOLVING COMPLAINTS

At each stage in the procedure, Little Heath School 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.

DEALING WITH CONCERNS AND DIFFICULTIES INFORMALLY

We expect that most concerns can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care – these should be able to be resolved by the relevant member of staff.

Where appropriate, concerns should be raised initially as follows:

1. Educational issues: if the matter relates to the curriculum or teaching in the classroom, please speak to the relevant member of staff, ideally the classroom teacher in the first instance, or the Head of Department
2. Pastoral care: for educational concerns relating to matters outside the classroom, please speak initially to the tutor, or to the relevant Head of Year
3. Disciplinary matters: a problem over any disciplinary action or sanction should be raised first of all with the member of staff who issued the sanction

A concern provided in writing, including by email, will be acknowledged by telephone, email or letter within two working days of receipt during, and as soon as practicable during the holidays. A matter raised orally will not necessarily be acknowledged in writing.

A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint under this procedure.

STAGES OF A FORMAL COMPLAINT

STAGE 1 COMPLAINT

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 10 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 Little Heath 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, via the school office.

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 COMPLAINT

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 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, via the school office, within 15 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 meeting. They will aim to convene a meeting 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.

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 Little Heath 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.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 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

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

The complainant will be asked whether they wish to provide any further written documentation in support of their complaint. Any additional documentation should be submitted prior to the review panel meeting. This documentation should **not introduce new material or a new complaint.**

The committee 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.

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 Little Heath School with a full explanation of their decision and the reason(s) for it, in writing, within 20 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 Little Heath School.

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 committee 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 Little Heath 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 by Little Heath School. They will consider whether Little Heath 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, by telephone on: 0370 000 2288 or by writing to:

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

ROLES AND RESPONSIBILITIES

The following sections outline the various roles and responsibilities at the school in terms of dealing with concerns and complaints.

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;
- 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;
- conducting a sensitive and thorough interview 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 additional information if required;
- 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 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 COORDINATOR

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;
- be aware of issues regarding additional support, which 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 both 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;
- record the proceedings;

- circulate the minutes of the meeting;
- notify all parties of the committee's decision.

CHAIR OF THE COMPLAINTS COMMITTEE

The committee'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 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, which 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;
- the meeting is minuted;
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

MEMBER OF THE COMPLAINTS COMMITTEE

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.

MONITORING ARRANGEMENTS

This Complaints Policy will be reviewed by the Headteacher and Leadership and Management Committee annually. At each review, the policy will be approved by the Headteacher.

Throughout the course of the year a range of monitoring strategies will be out in place to assess the effectiveness of the policy in practice and suggestions made for any necessary amendments through the assigned focus group.

LINKS WITH OTHER POLICIES

This Complaints policy is linked to the following policies:

- Teaching and Learning
- Curriculum statement
- Safeguarding
- SEND

ASSOCIATED DOCUMENTS

- DfE Best Practice Advice for School Complaints Procedures 2019

APPENDICES

1. Little Heath School Complaint Form

APPENDIX 1: LITTLE HEATH SCHOOL COMPLAINT FORM

Please complete and return to the Headteacher's PA who will acknowledge receipt and explain what action will be taken.

<u>Your name:</u>	
<u>Pupil's name (if relevant):</u>	
<u>Your relationship to the pupil (if relevant):</u>	
<u>Address:</u>	
<u>Day telephone no.:</u>	
<u>Evening telephone no.:</u>	
<u>Nature of complaint:</u>	
<u>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</u>	

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

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

Signature:	
Date:	

Official use

Date acknowledgement sent:	
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By whom:	
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Complaint referred to:	
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Date:	
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