



Roman Road Primary School

Complaints procedure

February 2022

Reviewed
Next Review February 2024

1. INTRODUCTION

1.1 We strive to provide an outstanding education for all our children. The Headteacher and staff work hard to build positive relationships with all parents and carers and to support this we have put in place this Complaints Policy and Procedure.

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

When responding to complaints, we aim to:

- ☑ Be impartial and non-adversarial
- ☑ Facilitate a full and fair investigation by an independent person or panel, where necessary
- ☑ Address all the points at issue and provide an effective and prompt response
- ☑ Respect complainants' desire for confidentiality
- ☑ Treat complainants with respect
- ☑ Keep complainants informed of the progress of the complaints process
- ☑ Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2. POLICY STATEMENT

2.1 Our school is committed to being fair, open and honest when dealing with any complaint. We give careful consideration to all concerns and complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else.

2.2 We welcome feedback on what parents and carers feel we do well or not so well, as a school. We carefully consider all feedback, whether positive or otherwise, and will review our policies and practices accordingly.

2.3 We treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. A person does not have to be a parent or carer to make a complaint. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school will not be expressed inappropriately or in front of pupils.

2.4 The school's procedures will be reviewed regularly and updated as necessary.

2.5 Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.

2.6 This policy does not cover complaints relating to the following areas which are covered by separate procedures (also see Appendix 1):

- ☒ Admissions to school
- ☒ Statutory assessments of Special Educational Needs (SEN)
- ☒ School re-organisation proposals
- ☒ Matters likely to require a Child Protection Investigation
- ☒ Exclusion of children from school
- ☒ Whistleblowing
- ☒ Staff grievances and

- Complaints about services provided by other providers who may use school premises or facilities.

2.7 The school ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

2.8 The school will learn from complaints raised and will provide information to the school's senior management team so that services can be improved.

2.9 Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the SENCO, Mrs Mattis, they will then be referred to this complaints policy. Our SEN Policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about our fulfilment of early years requirements

2.10 We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

2.11 Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

2.12 We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting via the school Website.

3 THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

3.1 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' is an expression of significant dissatisfaction by a person or persons with a legitimate interest in the school about the practices or policies of the school, the conduct, action or omissions of members of staff employed at the school or the quality of education received by a child.

3.2 It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures.

4. THE DEFINITION OF A COMPLAINT

4.1 Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides. Complaints may be written or oral. It is not always appropriate for complaints to be put in writing as this might unnecessarily formalise the situation, resulting in the complainant taking a more defensive or entrenched position and making the conflict

more difficult to resolve, however we would usually expect that where the complaint is submitted orally, notes will be taken of it by the member of staff or the Governing Board that is in receipt of the complaint.

4.2 For a complaint to be dealt with formally it will meet at least one of the following criteria:

☐ it is first hand

☐ it relates to recent events

☐ the events in question can be dated and the complaint about them is timely

☐ there is independent corroboration of the allegations.

4.3 It is important to bear in mind that every expression of concern is not a complaint. Discretion needs to be applied in determining whether action over and above the normal day to day discussions on parental concerns is needed. All senior managers are expected to exercise such discretion before referring matters to the Headteacher.

4.4 Problems and expressions of concern will be dealt with as far as is possible, at the point of first contact. This is usually the class teacher. If it cannot be resolved at this stage then the teacher will refer the matter to a senior member of staff (usually Assistant Headteacher /Deputy Headteacher

Key Responsibilities

5.1 The **Headteacher** is responsible for making operational decisions on a daily basis about the school's internal management and organisation. The school will make it clear that parents and others will direct concerns or complaints to the Headteacher in most circumstances.

5.2 The **Governing Body** has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. Given that school sites are now becoming places of service provision, the governing body will ensure that any third party providers offering community facilities or services through the school premises have their own complaints procedure in place.

5.3 There are regulations that prescribe the role of governors in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day-to-day operational involvement, is paramount, as is the need to provide an objective approach in the interest of the whole school community, i.e. parents as well as staff.

5.4 **Parent and Staff Governors** in particular will not be drawn into the detail of specific complaints as this may prejudice their role in any further stages of the complaints procedure. However, they can help to refer more general concerns about school policy to the Headteacher and the governing body.

5.5 The procedure is divided into three stages:

☐ **The Informal Stage** aims to resolve the concern through informal contact at the appropriate level in school. This will normally be

1. Making an appointment to see the Class Teacher who will consider the complaint
2. Making an appointment to see a senior leader normally an Assistant Head or Deputy Head
3. Making an appointment to see the Head Teacher.

Formal Stage

☐ **Stage One** is the first formal stage at which written complaints are considered by the Headteacher and governors

☐ **Stage Two** is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

6 THE INFORMAL STAGE

6.1 If a parent is concerned about anything to do with the education that we are providing at our school, they should, in the first instance, discuss the matter with their child's class

teacher, as soon as possible after an incident/issue arises. If there is a minor complaint against a teacher then this will be dealt with by a member of the Senior Leadership Team. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. The complainant is asked at this earliest stage what they think might resolve the issue.

6.2 Where parents feel that a situation has not been resolved through contact with the class teacher or senior member of staff, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Headteacher.

6.3 The Headteacher will consider any such complaint and investigates each case thoroughly. Most complaints are normally resolved by this stage.

6.4 If this fails to resolve the matter then a formal complaint should be made. This complaint must be made in writing (unless the complainant has communication preferences due to disability or learning difficulties) stating the nature of the complaint, and how the school has handled it so far

7 STAGE ONE, FORMALLY

7.1 This stage in our procedures deals with written or formal complaints. It applies where complainants are not happy with the informal approach to dealing with their concern, as outlined above.

7.2 Normally, a written or formal complaint should be addressed to the Headteacher. If, however, a complaint concerns the Headteacher personally, it should be sent to the school marked 'For the attention of the Chair of Governors'. Complaints against the Chair of Governors or any individual governor should be made in writing and sent to the school marked 'For the Clerk to the Governing Body'.

7.3 Where a complainant has communication preferences, due to disability or learning difficulties, the school will accept a complaint in person or on the telephone. Brief notes of meetings and telephone calls will be kept. Where the complainant has communication difficulties, recording devices will be used to ensure the complainant is able to access and review the discussions at a later point.

7.4 We will acknowledge the complaint in writing as soon as possible after receiving it. This will usually be within five school day

7.5 We will enclose a copy of these procedures with the acknowledgement.

7.6 Normally we would expect to respond in full within 15 school days but if this is not possible we will write to explain the reason for the delay and advise when we intend to be able to provide a full response.

7.7 As part of our consideration of the complaint, we may invite the complainant to a meeting to discuss the complaint and fill in any details required. The complainant can ask someone to accompany them to help explain the reasons for their complaint.

7.8 The Headteacher, or Chair of Governors may will also be accompanied by a suitable person if they wish.

7.9 Following the meeting, the Headteacher, investigating officer or Chair of Governors will, where necessary, talk to witnesses (if the complaint is against an adult we will first talk to other adults that are present and only talk to other children if more information is required) take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.

7.10 We will normally talk to pupils involved if no adult was a witness and sometimes if more information is required.

7.11 If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

7.12 The Headteacher or Chair of Governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.

7.13 Once we have established all the relevant facts, we will send the complainant a written response to their complaint. This will give an explanation of the Headteacher's or Chair of Governors' decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We will invite the complainant to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations.

7.14 Complaints will not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised.

7.15 If the complainant is unhappy with the way in which we reached our conclusions, they may wish to proceed to Stage 2, as described below.

STAGE 2, FORMALLY - APPEALS PROCESS

8.1 The governing body will consider appeals where the complaint has not been resolved to the satisfaction of the complainant. This will be done within twenty-five school days of receipt of the notice of the complainant's wish to appeal.

8.2 Receipt of the appeal request will be acknowledged in writing by the Chair of Governors, the Vice-Chair if the Chair is not available or the Clerk.

8.3 The governing body will arrange for the complaint to be heard by a panel of at least two governors who have not had involvement with the matter at an earlier stage. The panel will, where possible, reflect a cross section of governors, who have no direct interest or involvement in the case.

8.4 The panel will be provided with copies of the complaint and all other relevant documentation.

8.5 At least five school days' notice of the hearing by the panel will be given to all concerned.

8.6 All parties involved in the dispute may be accompanied, if desired, by a friend, representative or interpreter and may call witnesses.

8.7 The Headteacher (or Chair of Governors if the complaint is against the Headteacher) will explain what has already been done to attempt to resolve the complaint and the outcome of any investigation.

8.8 The complainant will present his or her case and call any witnesses.

8.9 The panel and Headteacher will have an opportunity to question the complainant and witnesses.

8.10 The Headteacher will have the opportunity to respond to the complainant and call witnesses if appropriate.

8.11 The panel and complainant will have the opportunity to question the Headteacher and witnesses.

8.12 The Headteacher, followed by the complainant, will summarise their positions.

8.13 All but the members of the panel will withdraw while a panel decision is reached.

8.14 After hearing all the evidence, the governors will consider their decision and inform the complainant about it in writing. The governors do all they can at this stage to resolve the complaint to the complainant's satisfaction.

8.15 When the evidence has been fully considered and a decision made, the panel will notify, in writing, the complainant and the Headteacher of the outcome, giving an explanation of the conclusion, the reason for it, and any action taken, including details of any request made of those complained against to take particular actions in respect of the complaint. This will be done as quickly as possible, but within a maximum of five school days.

8.16 The Governing Body will be informed at their next meeting that a complaint has been received and dealt with. Details will not be divulged to the full Governing Body, nor to any other party not directly involved, as to do so would violate confidentiality.

9 CLOSURE OF COMPLAINTS

9.1 Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied

9.2 We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

9.3 If a complainant persists in making representations to the school – to the Headteacher, designated governor, Chair of Governors or anyone else this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

9.4 For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint or that the complaint has exhausted our official process. In some circumstances, closure may occur before a complaint has reached stage two of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

Telephone: 0370 000 2288 Tynetalk: 18001 0370 000 2288 Fax: 01928 738248

10 COMPLAINTS MADE DIRECTLY TO THE GOVERNING BODY

10.1 In the event of a complaint being received directly by the Governing Body from a parent or other stakeholders before attempting to resolve the matter with the school, governors will have regard to the following:

☐ Any complaint to the Governing Body or one of its members will be passed immediately to the Headteacher for investigation. The Headteacher, if she has not already done so, will follow the informal procedure outlined above to attempt to resolve the matter and report the outcome to the complainant and details of action taken to the Chair of Governors.

☐ If the Chair of Governors is satisfied that the informal procedures have been exhausted and the complaint is still not resolved, he/she may, after further discussions with the Headteacher, decide to initiate the formal procedure.

☐ The complainant will be advised of the Chair's conclusions.

11 COMPLAINTS RECEIVED ANONYMOUSLY

11.1 Complaints that are made anonymously will be handled at the discretion of the School and will be considered using other procedures, depending on the nature of the complaint. For example, anonymous complaints relating to (or appearing to relate to) a child protection matter or alleged criminal activity will be referred immediately to the relevant authorities.

12 COMPLAINTS RECEIVED BY PETITION

12.1 Complaints received by petition will be dealt with informally in the same way as other complaints. If it is not clear who the response should be directed to, the complaint will be treated as an anonymous complaint.

13 CONFIDENTIALITY

13.1 Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

14 EQUAL ACCESS, A

14 EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

14.1 Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

14.2 Should any meeting need to be held where any parties would have difficulties in terms of access, the school will assist with providing an appropriate venue.

15 'SERIAL' AND 'PERSISTENT' COMPLAINANTS

15.1 The school will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will act appropriately.

15.2 There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the school to recognise when they really have done everything they can in response to a complaint. It is a poor use of the school's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair /Vice Chair of Governors or Head Teacher can inform them that the procedure has been completed and that the matter is now closed.

15.3 If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. The school will only mark a complainant as 'serial' once the complainant has completed the procedure.

16 RECORDING, MONITORING AND REVIEW

(See Appendix 4)

16.1 The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

16.2 This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

16.3 This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

16.4 Records of complaints will be kept securely, only for as long as necessary and in line with data protection laws and our privacy notices.

16.5 The process of listening to and resolving complaints can contribute to school improvement and can be a useful tool in evaluating the school's performance. When individual complaints are heard, the school may also identify underlying issues that need to be addressed.

16.6 The governors monitor the complaints procedure at regular intervals. This ensures that all complaints are handled properly and informs improvements and the effectiveness of the complaints procedure itself. The School logs all complaints received by the school and records how they were resolved. Governors examine this log periodically.

16.7 Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy.

16.8 This policy is made available to all parents, so that they can be properly informed about the complaints process.

16.9 This policy will be reviewed every two years, or before if necessary

APPENDIX 1: CONTACTS FOR COMPLAINTS NOT IN SCOPE OF THE PROCEDURE

The school's complaints procedure covers all complaints about any provision of facilities or services that we provide with the exceptions listed below, for which there are separate (statutory) procedures.

EXCEPTIONS

- ☒ Admissions to schools
- ☒ Statutory assessments of Special Educational Needs (SEN)
- ☒ School re-organisation proposals
- ☒ Matters likely to require a Child Protection Investigation

- ☒ Exclusion of children from school

- ☒ Whistleblowing

- ☒ Staff grievances and disciplinary procedures

WHO TO CONTACT

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at:
www.gov.uk/school-discipline-exclusions/exclusions

Thomas Buxton has an internal whistleblowing Policy for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted
Piccadilly Gate
Store Street
Manchester M1 2WD.

The Department for Education is also a prescribed body for whistleblowing in education.

These matters will invoke the school's internal grievance procedures. Complainants will not

☐ Complaints about services provided by other providers who may use school premises or facilities.

be informed of the outcome of any investigation.

Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

Ratified by School Governors: