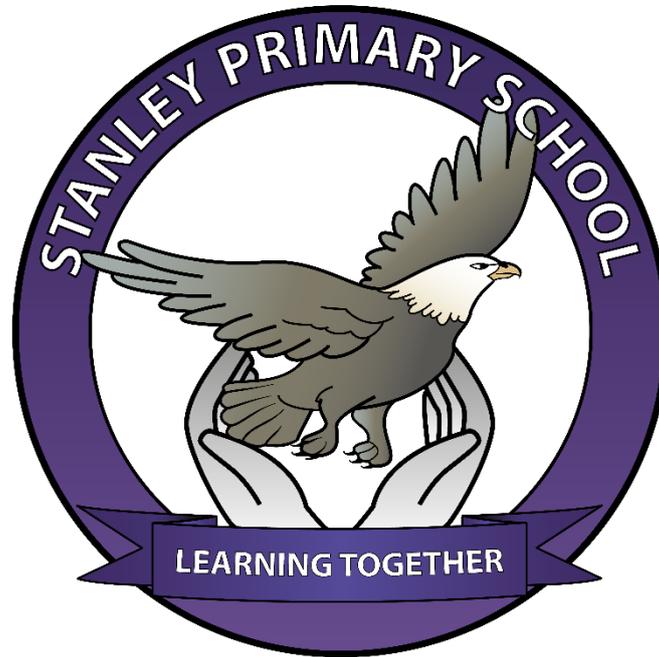


# STANLEY PRIMARY SCHOOL



## COMPLAINTS POLICY

|                     |                      |                      |
|---------------------|----------------------|----------------------|
| Approved by:        | Full Governing Board | Date: September 2015 |
| Last reviewed on:   | November 2023        |                      |
| Next review due by: | November 2024        |                      |

PLEASE NOTE AS WE ARE A MAINTAINED SCHOOL, THIS POLICY HAS BEEN WRITTEN BY BLACKPOOL COUNCIL AND OUR SLT/GOVERNING BOARD ADOPT IT AS THEY SEE FIT EACH YEAR.



|    | <b>Contents</b>  | <b>Page No.</b> |
|----|--|-----------------|
| 1. | <b>Introduction and Scope</b>                              | <b>2</b>        |
| 2. | <b>Complaints</b>  | <b>3</b>        |
| 3. | <b>General Principles</b>                                  | <b>5</b>        |
| 4. | <b>The Complaints Procedure</b>                            | <b>8</b>        |
| 5. | <b>Further Recourse for Complainants</b>                   | <b>12</b>       |
|    | <b>Appendix 1 – Complaints Flowchart</b>                   | <b>13</b>       |
|    | <b>Appendix 2 - Roles and Responsibilities</b>             | <b>14</b>       |
|    | <b>Appendix 3 – Stage 2 Governors Complaints committee</b> | <b>16</b>       |
|    | <b>Appendix 4 – Complaints Proforma</b>                    | <b>17</b>       |

## **1.0 INTRODUCTION AND SCOPE**

### **1.1 Legal Context**

Since 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England were required, under Section 29 of the [Education Act 2002](#), summarised in Appendix 1, to have in place a procedure to deal with complaints relating to the School and to any community facilities or services that the School provides. The law also requires the procedure to be publicised.

On 1 September 2010, The Education (Independent School Standards) (England) Regulations 2010 which outline the provisions for complaints within Academies came into force. The handling of Complaints can be seen under Part 7 which makes it clear that it is the responsibility of the proprietor to ensure the welfare of all pupils and set out the arrangements that a proprietor must have regard to in order to safeguard pupils at the school

The School Standards and Framework Act 1998 provided an additional function of the Governing Body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

### **1.2 Scope**

The Policy of the School/Academy is to work in partnership with parents and is based on the belief that co-operation and a sense of joint purpose between staff, parents and the School/Academy will assist in ensuring open and positive relationships. From time to time, however, parents or members of the public may express concern or make a complaint, either orally or in writing, about the conduct of the Headteacher or an individual member of staff.

This policy cannot be used where complaints are being dealt with under separate statutory procedures (such as appeals related to exclusions or admissions). In cases such as these, there are alternative procedures which can be obtained for consideration via your school administrator.

Anonymous complaints will continue to be considered and an outcome of any findings will be recorded in the schools recording systems. In dealing with complaints, the School/Academy will ensure that they are dealt with effectively and with fairness to all parties.

Schools/Academies will have different procedures for complaints or appeals about the curriculum, special educational needs provision, exclusions, and admissions. Disciplinary action, child protection or criminal investigations are also dealt with through separate specific procedures. This document provides advice and guidance

|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 2 of 18</b>  |                |                     |               |                             |  |

on how Schools/Academies should respond when an external complaint has been made about the actions of School/Academy staff.

A copy of the complaints procedures can be found on the School / Academy website.

A written copy may be obtained upon request from the School / Academy.

- 1.3 It is encouraged to resolve any areas of concern(s) informally before the formal process is commenced, however, in some circumstances the seriousness of the complaint could lead to the commencement of this procedure at the formal stage.
- 1.4 It is recommended that the Governing Body ensures that any third party provider offering community facilities or services through the school premises, or using school facilities, have their own complaints procedures in place

## 2.0 COMPLAINTS

### 2.1 What is a complaint?

- a. For the purposes of this procedure a complaint is described as an expression of dissatisfaction about the conduct of, actions or lack of action by a member of staff, unacceptable delay in dealing with a matter or unreasonable treatment of a pupil or other person.
- b. A concern, defined as ‘an **expression of worry or doubt over an issue considered to be important for which reassurances are sought**’.
- c. A concern, or complaint can be made in person, in writing or by telephone, however if made verbally this will be verified by the complainant and the school / academy.
- d. A concern or complaint may also be made by a third party acting on behalf of a complainant, as long as they have evidence to demonstrate that they have the appropriate consent to do so.
- e. This procedure does not cover complaints that are dealt with under other statutory procedures or legislation for which separate arrangements are in place for example those relating to:

| Exceptions   | Who to contact   |
|--|--|
| <ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory Assessments of Special Educational Needs</li> <li>• School re-organisation proposals (<i>maintained schools only</i>)</li> </ul> | Concerns about admissions, statutory assessments of Special Education Needs, or school re-organisation proposals should be raised with the Local Authority.  |
| <ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>   | Complaints about child protection matters are handled under the schools child protection and safeguarding policies and in accordance with statutory guidance. For serious concerns contact with the Local Authority Designated Officer who has local responsibility for safeguarding may be appropriate. |
| <ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>  | Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .   |

|   |   |
|---|---|
|   | Complaints about the application of the behaviour policy can be made through the schools complaints procedure.  |
| <ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>  | <p>The school has an internal whistleblowing procedure for all employees, including temporary staff and contactors.</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 directly with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about the school should complain through the schools complaints procedure. They may also be able to complain directly to the Local Authority or DfE depending on the substance of the complaint.</p> |
| <ul style="list-style-type: none"> <li>Staff Grievances</li> </ul>  | Complaints from staff will be dealt with under the schools internal grievance procedure.  |
| <ul style="list-style-type: none"> <li>Staff Conduct</li> </ul>   | Complaints about staff will be dealt with under the schools internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint. However, the complainant will be notified that the matter has been addressed.  |
| <ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul> | Providers should have their own complaints procedures to deal with complaints about the service. Complaints must be directed to the individual companies.   |
| <ul style="list-style-type: none"> <li>National Curriculum content</li> </ul>   | Please contact the DfE at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>   |

Other areas that are not dealt with under the complaints procedures due to statutory / legislation include:

- Collective Worship
- Freedom of Information Access
- Other functions of the Governing Body.

- f. Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also the subject of separate procedures, which may involve other agencies. Where this may be the case, contact should be made with the Headteacher in the first instance.

Except in exceptional circumstances previous stages of the procedure should be exhausted before a complaint is referred to a subsequent stage.

### 3.0 GENERAL PRINCIPLES

#### 3.1 Who to complain to:

Complaints about:

- something that has happened or failed to happen in the school/academy, then contact the Headteacher;
- School staff (except the Headteacher) should be made to the Headteacher, via the school/academy.
- The actions of the Headteacher, then contact the Chair of Governors via the school/ academy office.

|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| Page 4 of 18   |                |                     |               |                             |  |

- The Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body, via the school/academy office;

**Please note all complaints should be marked Private and Confidential.**

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.

The School/Academy and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage which would be dealt with outside of this procedure. This policy allows for more formal considerations of a complaint and an appeal stage if matters cannot be resolved. In some stages this may require an independent investigating officer to be included in the process, where this is the case, this will be fully communicated to the complainant.

Where a complaint is made against an individual member of the School/Academy staff, that person will be informed of the complaint at the earliest opportunity, in writing and will be provided with a copy of the complaint. Full confidentiality must be adhered to at all times during these processes and it is important to note, that anonymity of the complainant cannot be guaranteed.

These procedures are in addition to the School’s Whistleblowing procedures and other statutory reporting procedures applying to the School/Academy. The school/academy is responsible for making service users aware of the existence of these procedures and it is important to note that should members of staff have concerns they wish to raise in confidence, the Whistleblowing Policy should also be referred to in order to establish the correct procedure to use for the individual situation.

**3.2 Timescales**

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made outside of this time frame where exceptional circumstances apply.

The School/Academy is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 10 School days. From time to time, it may not be possible to complete the process in that timescale. Where that is not possible the complainant will be informed of any delays in writing.

Where a complaint leads to criminal proceedings this will always be the case, therefore timescales within this procedure are likely to need to be reviewed.

Schools do not operate during school holiday dates therefore a complaint raised outside of the term time will be considered as having been received on the first school day after the holiday period.

**3.3 Confidentiality**

All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and governors on a ‘need to know’ basis. It is essential that any information shared with any party (including Staff and Governors), as a result of this procedure, is kept strictly confidential.

It is essential that Governors do not discuss any matters disclosed to them with other members of the Governing Body, to ensure that sufficient Governors have no prior knowledge of the complaint to enable a complaints panel

|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 5 of 18</b>  |                |                     |               |                             |  |

to be convened, if required, at Stage 2. It is also essential that Governing Bodies are mindful that details of situations occurring within the school should not be discussed or made reference to at any Governing Body Meetings.

### 3.4 Accompaniment

Throughout this procedure, all parties will have the opportunity to be represented / supported at meetings. In the case of a member of staff you may bring along a Union representative or work colleague, and in the case of a Parent, you may be represented by a relative or a friend.

It is not appropriate for Solicitors or representatives of similarly professional environments who are not linked to a Professional Trade Union, to be present at any formal meetings.

### 3.5 Recording and Monitoring Complaints

**Governing Bodies are legally required to publicise their Complaints Procedure.**

The Governing Body must decide how to fulfil this requirement but details of the Complaints Procedure could be included in:

- Information given to new parents when their children join the School/Academy.
- Information available to the children themselves.
- School/Academy bulletins or newsletters.
- The School/Academy website.
- Information given to community users and in letting agreements.
- A specific complaints leaflet which includes a form on which a complaint can be made.
- Posters displayed in the main entrance or reception area of the School/Academy and others used by the public.

The School / Academy should maintain a record of all formal complaints, how they were dealt with and the outcome in a complaints register, in the interests of the members of staff concerned and the Headteacher.

### 3.6 Resolving Complaints

**It is useful to encourage complainants to indicate what actions they feel might resolve the problem.**

In this respect it should be noted that complainants' views on this may be unreasonable and they should be made aware of what are reasonable and appropriate outcomes in relation to the specific nature of their complaint.

Identifying areas of agreement and clarifying any issues can also create a positive atmosphere in which to discuss any outstanding issues.

If appropriate, when all information is clarified the school will acknowledge that the complaint is upheld in whole or in part or not upheld. The school may also offer one of more of the following;

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance the matter complained about will not recur
- an explanation of the steps that have been taken 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 the light of the complaint
- an apology where appropriate.

**Human Resources**, Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH

End users of hard copies of this document are responsible for ensuring their copy is up to date.

|                   |                |                     |               |                             |  |
|-------------------|----------------|---------------------|---------------|-----------------------------|--|
| <b>Issue Date</b> | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
|-------------------|----------------|---------------------|---------------|-----------------------------|--|

### 3.7 Unreasonable, Malicious and Persistent Complaints

A good complaints procedure which has been properly followed will limit the number of protracted complaints. There will, however, be occasions when the complainant remains dissatisfied even though all stages of the Complaints Procedure have been completed. If the complainant continues to raise the same issue it is reasonable for the Chair of Governors to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant raises an entirely new separate complaint it must be responded to in accordance with this procedure

**N.B** the schools Model Policy for Managing Serial and Unreasonable Complaints will be implemented where unreasonable, or persistent contact not directly associated with, or resulting from, formal complaints has been actioned by a complainant.

### 3.8 Serious Allegations or Complaints

If the allegations refer to criminal activity, which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of Human Resources. If allegations refer to safeguarding children, advice should be sought from the Local Authority Designated Officer (LADO) and Human Resources.

If the allegations involve financial or accounting irregularities or circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of Human Resources so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of their Human Resources provider. **Serious allegations of this nature must be referred under School's / Academy's Child Protection Procedures** to the Local Authority (It will usually be necessary for a strategy meeting to be convened in order to consider a way forward).

If the allegations refer to maladministration of tests, the appropriate authority should be contacted (in the case of Primary Schools, the Standards and Testing Agency, in the case of Secondary Schools, the appropriate examination board). **Advice can be sought from the Local Authority School Improvement Officer with responsibility for assessment.**

In all the above, consideration will be given under the appropriate procedures where necessary.

**Anonymous complaints** will only be considered where the Headteacher or Chair of Governors determines that the complaint warrants investigation, in these cases an outcome of any findings will be recorded in the schools recording systems.

### 3.9 Withdrawal of a Complaint

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing/email. The individual of whom the complaint refers will be informed that the complaint has been withdrawn.

## 4.0 THE COMPLAINTS PROCEDURES

**Human Resources**, Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH

End users of hard copies of this document are responsible for ensuring their copy is up to date.

|                   |                |                     |               |                             |  |
|-------------------|----------------|---------------------|---------------|-----------------------------|--|
| <b>Issue Date</b> | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
|-------------------|----------------|---------------------|---------------|-----------------------------|--|

**During the stages of this procedure, it is important that only the Headteacher or the Chair of Governors is involved as the Investigating Officers, and that members of the Governing Body are not involved as they may be required to support any complaints panel hearing at Stage 2. N.B. The Headteacher may delegate the investigation to another member of the schools senior leadership team but not the decision to be taken.**

**In exceptional circumstances, an independent investigator may be asked to carry out the investigations by the School and a request may be made by the complainant for this to be considered at the earliest opportunity. In these circumstances please contact your HR Adviser who may be able to provide alternative options for your Governing Body to consider, this will be at an additional cost and resourced externally to the authority.**

#### **4.1 Stage I**

In dealing with complaints the school/academy will take account of its public sector equality duty and have due regard to the need to:

- *eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act 2010*
- *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it*
- *foster good relations between persons who share a relevant protected characteristic and persons who do not share it*

In most cases complaints are successfully resolved informally by teachers, senior managers and Headteachers. However, if this does not resolve the problem then the matter should be brought to the attention of the Headteacher or in the case of complaint against the Headteacher, it should be directed to the Chair of Governors by using the Complaints Pro-forma (**Appendix 4**).

#### **The Headteacher/Chair of Governors (Investigation Teams) will:**

- Record the date the complaint is received and acknowledge in writing within 5 School/Academy days of the receipt of the complaint
- Seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. (The Headteacher/ Chair of Governors (investigation team) can consider whether a face to face, virtual or telephone interview is the most appropriate way to do this).

#### **During the investigation, the Headteacher/Chair of Governors (Investigation Team) will:**

- If the complaint concerns a member of staff inform them and provide them with a copy of the complaint;
- 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 the investigation.
- Prepare a report as a result of the investigation and consider actions to be taken;
- Advise the complainant of the outcome. Where it is considered no further action is needed or the complaint is unsubstantiated, the complainant should be advised, in writing. They should also be informed of their right to appeal to the Complaints Appeals Committee within 10 School/Academy days;
- Make a record of the complaint and its outcome; this should be retained for Schools/Academy's records.

|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 8 of 18</b>  |                |                     |               |                             |  |

This stage would normally be expected to take no more than 10 School/Academy days of the 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.

If the Headteacher/Chair of Governors (Investigation Team) is not able to resolve the complaint and/or the complainant still remains unhappy the complaint should be dealt with at Stage 2.

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 actions at Stage 1.

Complaints about the Headteacher or member of the governing body must be made to the Clerk to Governors, via the school.

If the complaint is:

- jointly about the Chair and the 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 or (diocese details if appropriate). At the conclusion of their investigation, the independent investigator will provide a formal written response.

If a School/Academy Governor is directly approached by a complainant it is important that the Governor emphasises that they can only give general advice about how their complaint might be dealt with. The Governor should encourage the complainant to talk to the Headteacher who will attempt to resolve their complaint. The Governor should also inform the Headteacher or Chair of Governors (whichever is appropriate) about the complaint as soon as possible. It would be good practice for any Governor in this circumstance to make a note of the conversation which took place.

## 4.2 Stage 2

Where the complainant is dissatisfied with the outcome of 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.

The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. It may also be inappropriate for the Complaints Panel to include teacher or staff Governors.

Support and advice is available through a representative of the Local Authorities Human Resources Team, where a HR Service Level Agreement is in place. In the case of aided Schools/Academy’s Diocesan Officers will also be able to offer advice.

### **This is the final stage of the complaints procedure.**

The complainant should write to the Clerk of Governors within 10 school days of receipt of the outcome of Stage 1, providing a copy of the original Pro-forma (Appendix 4) submitted alongside Appendix 5 which states the grounds on which they wish their complaint to be considered by the Complaints Panel of the Governing Body.

|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 9 of 18</b>  |                |                     |               |                             |  |

The Clerk will record the date the complaint to the Panel is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 schools days. Requests received outside of this timeline will only be considered if exceptional circumstances apply.

A meeting of the Complaints Panel will be convened within 10 School/Academy days of the request. If this is not possible the Clerk will inform the complainant and provide an anticipated date.

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. If there are fewer than three governors available, the Clerk will source any additional, independent governors through another local schools 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 the parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainants 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. Legal representation is not normally granted but there may be exceptional circumstances when legal representation is appropriate (you may wish to seek advice on this from HR provider)

If a school employee is called as a witness to a complaint meeting, they may wish to be accompanied by a Trade Union Representative and/ or work colleague.

N.B 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.

At least 5 School days before the meeting, members of the Complaints Panel should receive papers about the complaint which should include as appropriate:

- A copy of the original complaint. (Appendix 4)
- An outline of any investigation (report) carried out by the Investigation Officer at Stage 1.
- A copy of the letter sent to the complainant about the outcome at Stage 1.
- A copy of the letter and Appendix 5 requesting that the complaint is heard at Stage 2 by the Governors Complaints Committee.
- A copy of the Schools current adopted Complaints Procedure

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 in line with the Model School Policy, Complaints Procedure.

The Committee will:

- Consider the written materials;
- Consider the complaint and the Headteachers (or Chair's) action(s) to date;
- Where determined, invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting

|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 10 of 18</b>   |                |                     |               |                             |  |

- Where the relevant parties are in attendance, the Panel will have an opportunity to question them when they have stated their cases.
- Seek advice and support as necessary from Human Resources / Diocesan (as appropriate)
- When the Complaints Panel is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome.

**N.B.** In the event that further information is needed and it is not available at the time the meeting may be adjourned and reconvened at a mutually convenient time. This should be as quickly as possible and wherever practicable within 5 School days.

At the end of their consideration the Committee can:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school’s systems or procedures to ensure that problems of a similar nature do not recur.

And will:

- Advise the complainant of the Complaints Panel’s decisions in writing within 5 School days.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

**The decision of the Complaints Panel is final.**

### 4.3 Complaints About a Governor, the Chair of Governors or the Governing Body

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. Any appeal against the Chair’s response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of 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 2 will be heard by a committee of independent, co-opted 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 that the school/academy will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## 5.0 FURTHER RECOURSE FOR COMPLAINANTS

|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 11 of 18</b>   |                |                     |               |                             |  |

If the complainant believes that the school/academy did not handle the 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.

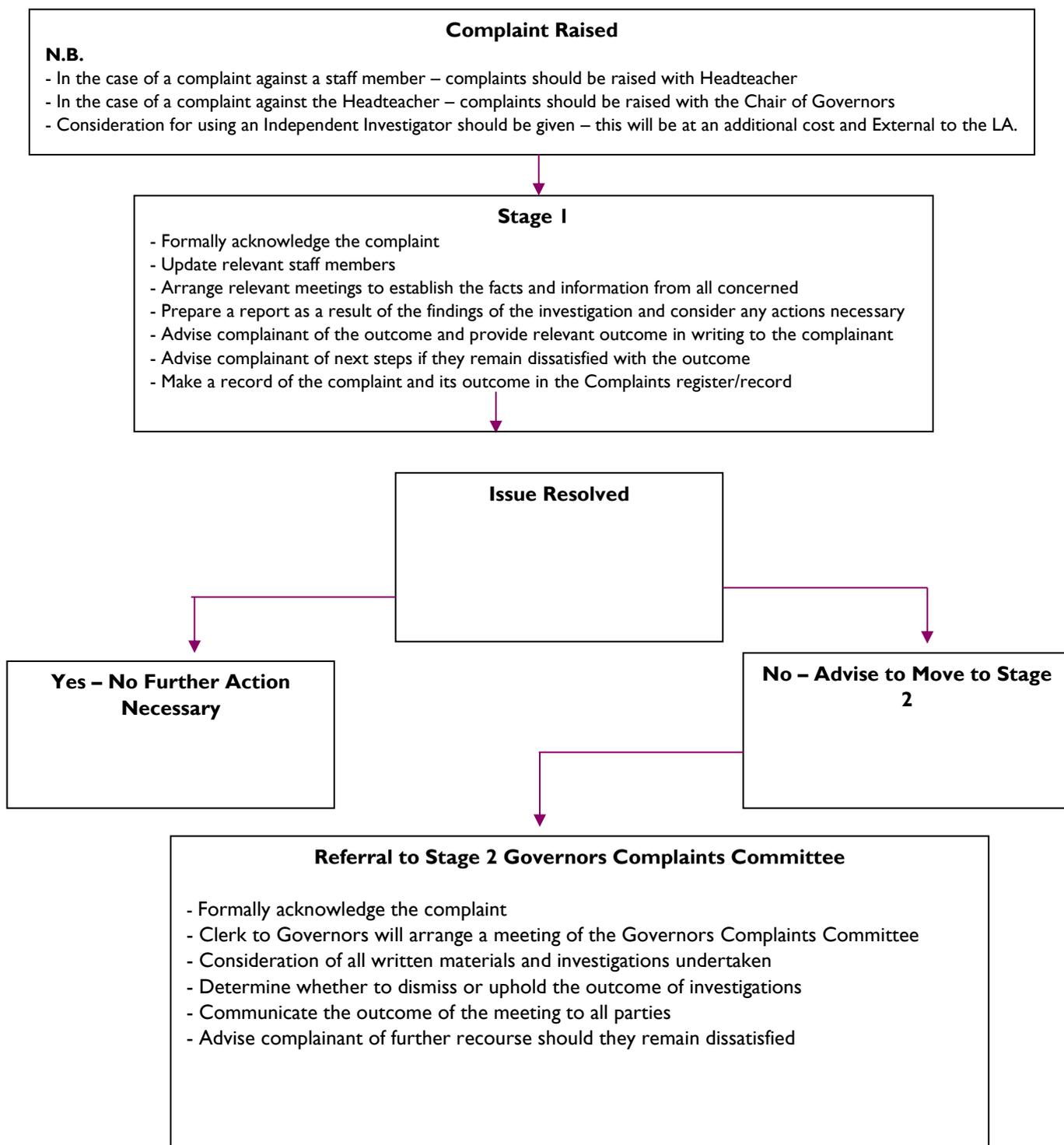
The Department for Education will not normally reinvestigate the substance of complaints or overturn any decision made by the school/academy. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://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

|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 12 of 18</b>   |                |                     |               |                             |  |

## APPENDIX I – COMPLAINTS FLOWCHART



|  |                |                     |               |                             |  |
|--|----------------|---------------------|---------------|-----------------------------|--|
| <b>Human Resources</b> , Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH  |                |                     |               |                             |  |
| End users of hard copies of this document are responsible for ensuring their copy is up to date. |                |                     |               |                             |  |
| <b>Issue Date</b>  | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 13 of 18</b>   |                |                     |               |                             |  |

## APPENDIX 2 – ROLES AND RESPONSIBILITIES

|                             |  |
|-----------------------------|--|
| Complainant                 | <p>The complainant will receive a more effective response to the complaint if they:</p> <ul style="list-style-type: none"> <li>• Explain the complaint in full as early as possible and provide all relevant evidence</li> <li>• Co-operate with the school in seeking a solution to the complaint</li> <li>• Respond promptly to requests for information or meetings or in agreeing the details of the complaint</li> <li>• Ask for assistance as needed</li> <li>• Treat all those involved in the complaint with respect</li> <li>• Refrain from publicising the details of their complaint on social media and respect confidentiality.</li> </ul>  |
| Investigator                | <p>The investigator's role is to establish the facts relevant to the complaint by:<br/>Providing a comprehensive, open, transparent and fair consideration of the complaint through:</p> <ul style="list-style-type: none"> <li>• Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved, (this may be face to face, virtual or telephone based).</li> <li>• Interviewing staff and children/young people and other people relevant to the complaint</li> <li>• Consideration of records and other relevant information</li> <li>• Analysing information</li> </ul> <p>Liaising with the complainant as appropriate to clarify what the complainants feels would put things right.</p> <p><b>The investigator should:</b></p> <ul style="list-style-type: none"> <li>• Conduct interviews with an open mind and be prepared to persist in the questioning</li> <li>• Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting</li> <li>• Ensure that any papers produced during the investigation are kept securely</li> <li>• Be mindful of the timescales to respond</li> <li>• 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.</li> </ul> <p>The Headteacher or complaints committee will then determine whether to uphold or dismiss the complainant and communicate that decision to the complainant, providing the appropriate escalation details.</p> |
| Clerk to the Governing Body | <p>The Clerk is the contact point for the complainant and the committee and should:</p> <ul style="list-style-type: none"> <li>• Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relation 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).</li> <li>• 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.</li> <li>• 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.</li> <li>• Record the proceedings</li> <li>• Circulate the minutes of the meeting</li> <li>• Notify all parties of the committee's decision</li> </ul>   |
| Committee Chair             | <p>The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:</p>  |

**Human Resources**, Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH

End users of hard copies of this document are responsible for ensuring their copy is up to date.

|                      |                |                     |               |                             |  |
|----------------------|----------------|---------------------|---------------|-----------------------------|--|
| <b>Issue Date</b>    | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
| <b>Page 14 of 18</b> |                |                     |               |                             |  |

|                  |   |
|------------------|---|
|                  | <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• 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</li> <li>• The remit of the committee is explained to the complainant</li> <li>• 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.</li> <li>• 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</li> <li>• The issues are addressed</li> <li>• Key findings of fact are made</li> <li>• The committee is open-minded and acts independently</li> <li>• 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</li> <li>• The meeting is minuted</li> <li>• They liaise with the Clerk</li> </ul>  |
| Committee Member | <p>Committee members should be aware that:</p> <ul style="list-style-type: none"> <li>• 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 the circumstances surrounding it.</li> <li>• The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.<br/>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</li> <li>• Many complainants will feel nervous and inhibited in a formal setting. Parents / carers often feel emotional when discussing an issue that affects their child.</li> <li>• 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.<br/>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.<br/>Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which part of the meeting, if any, the child/young person needs to attend.<br/>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 in not in the child/young person's best interests.</li> </ul> <ul style="list-style-type: none"> <li>• The welfare of the child/young person is paramount</li> </ul> |

## APPENDIX 3 – STAGE 2 - GOVERNORS COMPLAINTS COMMITTEE

The recommended procedure for the appeal hearing the complaint is as follows:

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Legal representation is not normally granted but there may be exceptional circumstances when legal representation is appropriate (you may wish to seek advice on this from HR provider)

If a school employee is called as a witness to a complaint meeting, they may wish to be accompanied by a Trade Union Representative and/ or work colleague.

The complainant and the Headteacher and/or the investigation team may request witnesses to be called to provide evidence. Witnesses may be allowed at the discretion of the Committee. Careful consideration must be given to any suggestion that pupils be called to give evidence.

The complainant, or in their absence their representative shall be entitled to present his / her case and may submit any supporting documents to the Committee 5 School days before the hearing date.

The Headteacher and/or the investigation team members shall be entitled to question the complainant and any witnesses.

The Headteacher and/or the investigation team shall present their report, together with any supporting documents, to the Committee on the investigation and any action taken to resolve the complaint.

The complainant, or in their absence their representative shall be entitled to question the Headteacher and any witnesses.

At any stage during the hearing the members of the Committee shall be entitled to question the Headteacher and/or the investigation team, the complainant and any witnesses.

Any reasonable request for an adjournment should be allowed at the discretion of the Committee Chairman.

The Headteacher and/or the investigation team followed by the complainant, or in their absence their representative, shall be allowed to make a closing statement.

In conclusion, the Headteacher and/or the investigation team, the member of staff (if present), the complainant and any representatives shall withdraw from the meeting and the Committee shall reach a decision, in private. Advice given by Human Resources, and, in the case of aided schools, by the Diocesan representative, shall be available to the Committee for their consideration.

Please note that where a complaint is against the Headteacher the Chair of Governors and/or investigation teams will present.

**Human Resources**, Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH

End users of hard copies of this document are responsible for ensuring their copy is up to date.

|                   |                |                     |               |                             |  |
|-------------------|----------------|---------------------|---------------|-----------------------------|--|
| <b>Issue Date</b> | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
|-------------------|----------------|---------------------|---------------|-----------------------------|--|

**APPENDIX 4 – COMPLAINTS PROFORMA STAGE I SUBMISSION**

Please complete and return to ..... (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

|  |
|--|
| <b>Your Name:</b>  |
| <b>Pupil's Name:</b>   |
| <b>Your Relationship to the Pupil:</b>   |
| <b>Address:</b>  |
| <b>Post Code:</b>  |
| <b>Daytime Telephone Number:</b>   |
| <b>Evening Telephone Number:</b>   |
| <b>Please give details of your complaint:</b>  |
| <b>What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response):</b> |
| <b>What actions do you feel might resolve the problem at this stage:</b>   |
| <b>Please provide any evidence or information to support your complaint. Please list attachments that you are providing.</b>           |
| <b>Signature:</b>  |
| <b>Date:</b>   |
| <b>OFFICIAL USE</b>  |
| <b>Date Acknowledgement Sent:</b>  |
| <b>By Whom:</b>  |
| <b>Complaint Referred to:</b>  |
| <b>Date:</b>   |

**APPENDIX 5 – COMPLAINTS APPEAL PROFORMA STAGE 2 SUBMISSION**

Please complete and return to ..... (Governor Services) who will acknowledge receipt and explain what action will be taken.

|  |
|--|
| <b>Your Name:</b>  |
| <b>Pupil's Name:</b>   |
| <b>Your Relationship to the Pupil:</b>   |
| <b>Address:</b>  |
| <b>Post Code:</b>  |
| <b>Daytime Telephone Number:</b>   |
| <b>Evening Telephone Number:</b>   |
| <b>Please give details of the grounds for your complaint:</b>  |
| <b>What concerns still remain outstanding from your initial Stage 1 complaint submission.</b>                        |
| <b>What actions do you feel might resolve the outstanding concerns at this appeal stage:</b>                         |
| <b>Please provide all supporting evidence in regard to this appeal which you wish to be considered by the panel:</b> |
| <b>Signature:</b>  |
| <b>Date:</b>   |
| <b>OFFICIAL USE</b>  |
| <b>Date Acknowledgement Sent:</b>  |
| <b>By Whom:</b>  |
| <b>Complaint Referred to:</b>  |
| <b>Date:</b>   |

**Human Resources**, Blackpool Council, Number One, Bickerstaffe Square, Blackpool, FY1 3AH

End users of hard copies of this document are responsible for ensuring their copy is up to date.

|                   |                |                     |               |                             |  |
|-------------------|----------------|---------------------|---------------|-----------------------------|--|
| <b>Issue Date</b> | September 2020 | <b>Revision No.</b> | December 2020 | <b>School Adoption Date</b> |  |
|-------------------|----------------|---------------------|---------------|-----------------------------|--|