SEBERT WOOD CP SCHOOL COMPLAINTS PROCEDURE

Introduction

Sebert Wood Primary School endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome feedback that we receive and accept that not all of this will always be positive. Where concerns are raised, the school intends for these to be dealt with fairly, openly, within reasonable timeframes and without prejudice. In order to do so, the governing body has approved the following procedure which explains what you should do if you wish to make a complaint about the school.

A concern is *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.* A complaint is *'an expression of dissatisfaction however made, about actions taken or a lack of action'.*

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams, tribunals or independent investigators, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those agencies have completed their investigations. If a complainant commences legal action against the school in relation to a complaint, we will consider whether to suspend the complaints procedure in relation to the complaint until legal proceedings have concluded.

PLEASE NOTE COMPLAINTS THAT FALL OUTSIDE OF THIS PROCEDURE

Exceptions	Who to contact
Admissions to schools	Concerns about admissions; please see the Suffolk County Council Admissions - https://www.suffolk.gov.uk/children-families-and-learning/schools/school-places/apply-for-a-primary-school-place-20202021/ or phone 0345 600 0981
Statutory assessments of Special Educational Needs	Statutory assessments of Special Educational Needs should be raised with Suffolk County Council SEN team
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). 0808 800 4005
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. Please see the school's *behaviour policy*
Staff conduct, staff grievances, capability or disciplinary;	These are covered by the school's *grievance/disciplinary/capability* procedures. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus
Subject Access Requests and Freedom of Information Requests –	Please see the school's Data Protection and Freedom of Information policy
THIS PROCEDURE DOES NOT APPLY TO PUPILS WHO ARE NO LONGER REGISTERED AT SEBERT WOOD PRIMARY SCHOOL	

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants further investigation.

Complaints received outside of term time

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

STAGES OF THE COMPLAINTS PROCEDURE

The vast majority of concerns can be dealt with without resorting to the formal Stages of the procedure. If you need to raise a concern then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it informally.

Maintaining confidentiality

All complaints will be dealt with confidentially at all Stages and at the conclusion of the procedure. Confidentiality should be maintained at all times by everyone involved. *Complaints must not be discussed publically, including via social media. If this is found to be the case, this may significantly affect the outcome decision.* Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned. Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

INFORMAL STAGE

The vast majority of complaints and concerns can be explained and resolved informally in the first instance. For the purpose of this procedure concerns are defined as a worry or doubt over an issue considered to be important for which reassurances are sought. The majority of such concerns can be dealt with without resorting to the Formal Stages of the procedure. The governing body encourages those that have concerns to raise them with the appropriate person at the school, usually the class teacher, and to work constructively with that person towards resolving them. The *Key Stage Leader* may also be part of this process or may become involved in order to resolve the matter satisfactorily. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint should it proceed to formal stages at a later date. The formal stages are only followed when all reasonable attempts to resolve concerns informally have proved unsuccessful. AT THE BEGINNING OF ANY INFORMAL MEETING THE *INFORMAL* NATURE WILL BE CLARIFIED. NOTES MAY BE TAKEN FOR PERSONAL USE ONLY – THESE WILL NOT CONSIDERED AS MINUTES. *MINUTES ARE TAKEN AT THE FORMAL STAGES.

FORMAL STAGES

The timescale for making a complaint

Notification of a complaint should be given as soon as possible after the issue that led to the complaint occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted three months after the issue that led to the complaint will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the Headteacher/Chair of the Governing Body/clerk to the Governing Body (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure. FOR A FORMAL COMPLAINT TO BE CONSIDERED THE OFFICIAL REQUEST FORM SHOULD BE COMPLETED – SEE P7. **there may be exceptional circumstances where it is clear that the complaint is now at a formal stage.*

Maintaining records

A confidential written record of all formal complaints that are made in accordance with this procedure will be kept by the school. The written record will include a brief summary of actions taken to attempt to resolve informally, if it progresses to a formal stage and if an independent investigation is considered appropriate. It will also refer to any actions taken by the school as a result of the complaint, regardless of whether it has been upheld.

Complaints about the Headteacher or the governors

Where a complaint is about the Headteacher, the complainant should notify the clerk to the governors (see contact details at the end of the document). The Stage one process (see the formal Stages below) will then commence, but with the Chair of Governors as the individual responsible for the investigation, rather than the Headteacher. Where a complaint concerns a governor, the complainant should contact the clerk to the governing body. The clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the 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.*

There are **two** Stages of the formal complaints procedure.

STAGE 1 – FORMAL INVESTIGATION BY HEADTEACHER (OR CHAIR OF GOVERNORS)

A request for a formal investigation of a complaint should be made in writing by completing the formal complaints form that is included on page 7 of this procedure. The Headteacher (or chair of the governing body as appropriate) will acknowledge the request in writing no later than 10 working days (excluding school holidays) of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing

the investigation. A log of all correspondence in relation to the complaint will be kept in accordance with Data Protection Principles.
The Headteacher (or Chair of Governors) will consider all relevant evidence. This **may** include, but is not limited to:

- obtaining statements from the complainant and those involved with the complaint
- meeting with complainant and those involved if appropriate – this could include a wide range of school staff
- reviewing correspondence and other documents relating to the complaint (may include CPOMS electronic records)

After considering the available evidence, the Headteacher (or Chair of Governors) can decide to:

- uphold the complaint and direct that certain action be taken to resolve it
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
- dismiss the complaint entirely

The Headteacher (or Chair of Governors) will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (within 10 days - see above). *This is up to a total of 30 working days, unless exceptional circumstances apply.* The written notification shall also advise the complainant of their right to escalate the complaint to Stage 2 of the formal complaints procedure if they are not satisfied with the outcome at Formal Stage 1.

STAGE 2 – REVIEW BY AN INDEPENDENT PANEL (THIS IS THE FINAL STAGE OF THE COMPLAINTS PROCEDURE)

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. Requests for a review of the decision taken at Stage 1 should be made in writing to the clerk no later than 20 working days (excluding holidays) after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant it dissatisfied with the outcome of Stage 1 and a clear statement of the outcome they are seeking. The Clerk will liaise with the Chair of Governors to agree the best course of action and dependent upon the nature of the complaint they may deem it necessary to appoint an independent investigator to undertake an investigation and report their findings to the panel, before a final outcome. This report could include information and submissions from both the complainant and the respondent representing 'the school' – i.e. the Headteacher, the Chair of Governors and other relevant witnesses. The clerk will fulfil the role of organising the independent investigation or the time and date of any appeal meeting accordingly, or both. Where an independent investigation has been carried out, subsequently it may not be necessary to invite anyone to the appeal hearing. Where an independent investigation has not been deemed appropriate, the appeal hearing proceeds and the Clerk invites the appropriate attendees, collates relevant documentation, requests further information or documentation where appropriate, and distributes this 5 days in advance of the meeting. Minutes of an appeal meeting will be taken by the clerk and provided with the written notification of the decision taken at Stage 2.

The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. 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.

The following steps are taken at Stage 2:

- The clerk will acknowledge the written request for the complaint to be reviewed no later than ten working days (not including the school holidays) after receiving it.
- The clerk will liaise with the Chair of Governors to agree the best course of action.
- Where appropriate an independent investigator is appointed. The clerk liaises with them and the chair of governors to agree the timelines and process for gathering information from appropriate parties and witnesses.
- The clerk informs the complainant of the extended timeframe, where an independent investigation is required.
- Where there is no separate independent investigation and the appeal panel is set up, the meeting will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the written acknowledgement from the clerk (see above).
- 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.

- All three panel members will have no prior knowledge of the content of the complaint or report of the independent investigator (should both an investigation and panel be necessary to resolve the matter) before the appeal meeting

The panel **may** decide to invite the following to attend the review meeting:

- the complainant
- the Headteacher as appropriate
- the Chair of the governing body as appropriate
- relevant persons involved in the complaint
- persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at Stage 2

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 (including the Headteacher) is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.
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.

Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

Where the complaint is about a governor/trustee/governing body, the governors may still appoint an independent investigator, or the complainant may request that the review meeting is held by an independent panel, not governors from the school. This is at the discretion of *the governing body* who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the clerk sources appropriate individuals.

After considering the complaint afresh and reviewing the available evidence (from either an independent investigator, the appeal panel of governors, or both), the panel reviewing the complaint can decide to:

- uphold the complaint and direct that certain action be taken to resolve it;
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
- dismiss the complaint entirely
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

The complainant, the Headteacher (or chair of the governing body as appropriate) who investigated the complaint and made the decision at Stage 1, and, where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place.

This is the **final Stage** at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further they should refer to the following:

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unreasonably in the exercise of their duties, they can contact the Department for Education after they have completed Stage 2. Please note that 'unreasonable' is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances. https://www.gov.uk/complain-about-schoolThe Department for Education will not normally reinvestigate the substance of complaints or overturn any

decisions made by the school. They may only consider whether Sebert Wood 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.

Requests received outside of the time frames will only be considered if exceptional circumstances apply.

MANAGING SERIAL, PERSISTENT AND UNREASONABLE COMPLAINTS (BASED ON DFE GUIDANCE)

**This section also applies to managing unreasonable or persistent levels of contact and communication not necessarily associated with, or resulting from, formal complaints.*

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Sebert Wood Primary School does not expect any staff to tolerate unacceptable behaviour and harassment and will take action to protect staff from that behaviour, including that which is persistent, unreasonable, abusive, offensive or threatening, either directly face to face or via email, phone, letter or social media.

If the behaviour continues, the Headteacher/chair of the governing body/clerk to the governing body (as appropriate) will consult with relevant parties and may decide that the complaint falls under this section and will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Sebert Wood Primary School causing a significant level of disruption and taking up a disproportionate and unreasonable amount of time, we may specify methods of communication and limit contact. This will be reviewed after six months.

Sebert Wood defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales and conveys unrealistic outcomes
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education (In such cases it is likely that the complainant will be informed that the matter is now closed and that Sebert Wood will provide no further response).
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence

- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school site.

Queries regarding any aspect of the complaints procedure should be directed to the Clerk to the Governing Body – helen.stacy@schoolschoice.org (01473 263993).

Independent mediation

In some cases where the relationship between school and the complainant have 'broken down' and preventing the complaints process from progressing effectively, then by mutual agreement, independent third-party advocacy or mediation may be sought.

FLOWCHART SUMMARY OF COMPLAINTS PROCEDURE

INFORMAL PROCEDURES

NB – at this stage, every effort must be explored in order to resolve the matter informally. This may involve a variety of meetings, discussions, phone calls, emails etc. to allow the appropriate time and effort required.

Raise concern with Class Teacher in the first instance

If still dissatisfied

Raise concern with Key Stage Leader

If still dissatisfied

FORMAL PROCEDURES

NB – this stage should not be instigated unless all other informal avenues have been exhausted

STAGE 1

- Request formal investigation by the Headteacher in writing, using official form. (or Chair of Governors if complaint is about the Headteacher)
- Must be submitted within 3 months of initial issue raised informally.
- Receipt of formal complaint acknowledged within 10 working days (excluding school holidays)
- Investigation completed and outcome given no later than 20 working days from acknowledgment of complaint (excluding school holidays)

If still dissatisfied

FORMAL PROCEDURES

STAGE 2

- Write to the Clerk of Governors stating why you are still dissatisfied, within 20 working days of receiving the outcome of Stage 1 (excluding school holidays)
- In consultation with the Chair of Governors, the clerk seeks to:
    a) Where appropriate, appoint an independent investigator (this may delay the process)
    b) Proceed to a formal appeal hearing of 3 governors (to meet within 20 days)
    c) In exceptional circumstances both a) and b) above may be necessary
- Clerk outlines agreed process above to complainant, within 10 days
- Complaints panel of governors convened by the clerk
- Report of the independent investigator, or appeal hearing, communicated within 10 days from final publication or appeal meeting date

STAGE 2 COMPLAINTS DECISION IS FINAL

NB – The above timings may only be adjusted for exceptional circumstances by mutual agreement and all parties informed as such in writing

SEBERT WOOD CP SCHOOL - FORMAL COMPLAINTS FORM	
Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact telephone day	
Contact telephone mobile	
Contact email address	
IT IS IMPORTANT THAT YOU ANSWER THE QUESTIONS BELOW CLEARLY AND FULLY	
Summary of the complaint	
What has happened so far - actions taken (including name/s of staff member/s who dealt with it so far) (INFORMAL STAGE) What solutions were offered (INFORMAL STAGE)	
The reason that this was not a satisfactory resolution for you?	
What action would you like to be taken to resolve the problem?	
Signed:	
Official use **Date received:**	