



Primary and Nursery School

# Complaints Policy

(including the policy for managing serial and unreasonable complaints)

## For Holgate Primary School:

Due to the school's commitment to GDPR and safeguarding all correspondence regarding school policy and procedures needs to be through or on the school office email address

[office@holgateprimary.org](mailto:office@holgateprimary.org)

At the schools within our collaboration, we are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of race, gender, disability, faith or religion or socio-economic background. All staff are expected to uphold and promote the fundamental principles of British values, and as such, the schools within our collaboration are fully committed to safeguarding and promoting the welfare of all our pupils including protection against radicalisation. We therefore aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and able to participate fully in school life. Our core purpose, values and ethos is embodied in our mission that everyone takes:

**P= personal**

**R= responsibility**

**I = in**

**D= delivering**

**E= excellence**

Frequency of Review: Bi - annually

Reviewed and Approved by: The Full Governing Body

Date: February 2021

Date of Next Review: Spring 2023 (or as per legislative changes or updates in best practice guidance)

Reviewers: Nicola Davies, Sam Arnold and Chair of Governors

Signed: 

Date: 08/03/2021

## **Introduction**

We believe that our school provides a good education for all our children and that the Senior Team and other staff work very hard to build positive relationships with all parents. We welcome feedback that we receive from parents, pupils and third parties, and accept that not all of this will be positive. In this event, the school is obliged to have procedures in place in case there are complaints by parents. The following policy sets out the procedure that the school follows in such cases.

Our school aims to be fair, open and honest when dealing with any concern or complaint. We give careful consideration to all concerns and complaints and deal with them as swiftly as possible. We aim to resolve complaints through dialogue and mutual understanding, and in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed and then resolved.

We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. 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 should not be expressed inappropriately or in front of pupils.

All school staff are made aware of the complaints procedures so that they are familiar with our process of dealing with complaints and can assist whenever an issue arises that causes them concern.

This policy explains the procedure and the steps that it outlines, should be referred to and followed by all pupils and their parents whenever an issue arises that causes them concern.

### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Holgate Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **Scope of this Complaints Procedure**

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

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Nottinghamshire County Council by visiting the website <a href="http://www.nottinghamshire.gov.uk">http://www.nottinghamshire.gov.uk</a> Or by telephone: 0300 500 8080
<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 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.  For the most up to date details please visit: <a href="http://www.nottinghamshire.gov.uk/nscb/contact">http://www.nottinghamshire.gov.uk/nscb/contact</a>

	<p>or the Multi-Agency Safeguarding Hub (MASH): telephone: 0300 500 80 90</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>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>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p><a href="#">Link to School Behaviour Policy</a></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
<ul style="list-style-type: none"> <li>Parental Responsibility</li> </ul>	<p>Conflict between estranged parents over the application of parental responsibility will be dealt with using the following guidance:</p> <p><a href="https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility">https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility</a></p>

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school will immediately refer the case to the local authority Safeguarding Team. If it is decided that there is a cause for an official investigation, the decisions by authorities will supersede those made by the school as outlined in this policy. For more information on our provision as a school for safeguarding our pupils, refer to our Safeguarding Policy on the school's website.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Holgate Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

If your complaint is about a member of staff, you should first raise this with a member of the Senior Leadership Team or the Head of School either in person or in writing and a meeting can be arranged with them to discuss the issue in hand.

If your complaint is about the Head of School, you should first raise your concern in writing with the Executive Headteacher.

If your complaint is about the Executive Headteacher, you should first raise your concern in writing with the Complaints Governor/ Chair of Governors.

We deal with all complaints in accordance with the school's agreed Complaints Procedure "Listening To You", a copy of which is available from the School Office (Appendix C).

### ***The difference between a concern and a complaint***

We recognise as a school that there is a difference between a concern and a complaint. Taking concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A 'complaint' may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Holgate Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head of School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head of School will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Holgate Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

For our Complaints Procedure to be effective the following applies. The procedure will:

- Be easily accessible and publicised
- Be simple to understand and use
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary

- Addresses all the points of issue and provides an effective and appropriate redress where necessary
- Provide information to the school's senior management team and Governing Body so that services can be improved

### ***How to raise a concern or make a complaint***

A concern or complaint can be made in person, in writing or by telephone. The school email address is [office@holgateprimary.org](mailto:office@holgateprimary.org). They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Head of School. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints against school staff (except The Head of School or Executive Headteacher) should be made in the first instance, to The Head or School via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head of School or Executive Headteacher should be addressed to The Chair of Governors via the school office. Please mark them as Private and Confidential.

Complaints about 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 office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure in Appendix A. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence or fault.

As part of the procedure, the person investigating the complaint will identify areas of agreement between the parties. They will also clarify any misunderstanding that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Whilst we seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all stages of the school's procedures have been exhausted, if this appears to be appropriate. If the Head of School, Executive Head or Chair of Governors feels that:

- nothing further can be gained;
- every reasonable action has been undertaken to resolve the complaint; and
- he or she is confident that a review panel is inappropriate given its remit, then he or she should write to the complainant outlining the reasons why the case will be closed.

### ***Investigating Complaints***

At each stage in the procedure, the person investigating the complaint, will ensure that they:

- Establish what has happened so far and who has been involved
- Clarify the nature of the complaint and what remains unresolved

- If further information is required, contact or meet with the complainant
- Clarify what the complainant feels would put things right
- Interview or request written statements from those involved in the matter and/or those complained of
- Keep notes of any interviews

### ***Resolving Complaints***

At each stage in the procedure the person investigating the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or part. In addition, it may be appropriate to offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not recur
- An explanation of the steps that have been taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of complaint where required
- An apology

### ***Time-Scales and Limits***

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints need to be considered and resolved as quickly and efficiently as possible. The complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant will be sent details of these with an explanation for the delay.

### ***Complaints received outside of term time***

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

### ***Recording Complaints***

The person investigating the complaint will record the progress of the complaint and the final outcome. At the end of a meeting or telephone call, the person investigating the complaint will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

### ***Reporting the outcome***

The decision at the end of formal stages one or two are final. The only exception to this is if in investigating the complaint, the Head of School, Executive Headteacher or Chair of Governors / Complaints Governor did not conduct a full and fair investigation and therefore did not arrive at the decision fairly, then there may be an opportunity to review the decision at formal stage three.

Complainants will be advised that if they are dissatisfied with the way in which their complaint has been handled they may refer the matter to the governing body. This should be done by writing to the Clerk of the Governing Body Appeals Panel within 10 school days of receipt of the outcome letter from the Head of School, Executive Headteacher or Chair of Governors.

## ***Anonymous complaints***

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

## ***Withdrawal of a Complaint***

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

# **The Complaints Process**

## **Informal Stage: Raise concerns with the Class Teacher**

If a parent is concerned about anything to do with the education or welfare for their child that we are providing at our school they should, in the first instance, discuss the matter with their child's class teacher. This can be via telephone or in person and ideally they will be able to address your concerns at this point or a meeting can be arranged with you and the class teacher to discuss the issue. Most matters of concern can be dealt with in this way. All teachers work very hard to ensure that each child is happy at school and is making good progress. They always want to know if there is a problem so that they can take action before the problem seriously affects the child's progress.

All concerns will be dealt with confidentially, although staff will take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR). However, such notes will be used as evidence if further investigation is required, or if the concern becomes a formal complaint.

## ***Social Media***

All parties taking part in the complaints procedure must recognise that there are circumstances when the procedure may be compromised. The procedure must be seen to be impartial and fair to all parties. Complainants are reminded that it is inappropriate to air grievances in public. This includes social media sites such as Facebook or Twitter. Negative comments in these forums will compromise the complaints procedure.

## ***Complaints that result in staff capability or disciplinary***

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Head of School and / or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

## **Informal: Raise concerns with Senior Leaders**

Where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with an appropriate member of the Leadership Team. You may be contacted by telephone or you may be invited to an informal meeting to discuss your concerns. You are welcome to bring a friend, partner, or in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for pupils to attend the meeting or part of it, if their parents have raised a concern, depending on the nature of the issue. Parents may choose to document their complaint in writing and send this to the appropriate member of the Leadership Team if they prefer.

All Leadership Team members and the Head of School considers any such complaints seriously and investigate each case thoroughly. Whilst this investigation takes place the complaint will remain confidential to anyone not involved in the investigation. Most complaints are normally resolved at this

stage. The Leadership Team or Head of School have responsibility to ensure that you understand any future points of action that have been agreed upon within the telephone conversation or meeting and will make a record of what has been discussed, as well as any outcomes or actions if any were agreed.

The Leadership Team member will do their best to ensure that your concerns are dealt with appropriately and efficiently. If you cannot come to an agreement, or you feel your complaint has not been satisfactorily resolved, you can make a formal complaint in writing, either as a letter or by using the formal complaints form, to the Head of School (or the Executive Headteacher in the event the Head of School dealt with Stage 1). (Appendix A)

### **Stage 1 – Formal Complaint**

1. Formal complaints must be made to the Head of School (unless they are about the Head of School), via the school office. This may be done in person, in writing (preferably on the Complaint Form – see Appendix A), or by telephone.
2. Complainants who have communication preferences due to disability, learning difficulties or English as a foreign language may use alternative methods of contact.
3. The Head of School will acknowledge receipt of the complaints in writing (either by letter or email) within 3 school days from the date of receipt of the complaint.
4. Within this response, the Head of School will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head of School can consider whether a face to face meeting is the most appropriate way of doing this.  
*Note: The Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*
5. During the investigation, the Head of School (or investigator) will:
  - if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation which will be kept in accordance with the Data Protection principles.
6. At the conclusion of their investigation the Head of School will provide a formal written response within 15 school days of the date of receipt of the complaint
7. If the Head of School 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 Holgate Primary School will take to resolve the complaint.
8. The Head of School will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
9. If the complaint is about the Head of School, the Executive Headteacher will complete all the actions at Stage 1. Complaints about the Head of School must be made to the Executive Head, via the school office
10. If the complaint is about the Executive Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1. Complaints about the Executive Headteacher or member of the governing body must be made to the Clerk, via the school office.
11. If the complaint is:
  - jointly about the Chair and Vice Chair or
  - the entire governing body or
  - the majority of the governing body



Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2 – Formal complaint to the Governors**

If having received a response from the Head of School or the Executive Headteacher you are dissatisfied with the way your complaint has been handled, you may refer the matter to the Chair of Governors in writing, explaining your concerns and the steps that have led up to you taking this course of action. The Chair of Governors or appointed complaints governor will acknowledge receipt of your complaint within 3 school days.

If the complaint is against a member of staff, that employee will be given the opportunity to provide a response, which will be sent to the Chair of Governors or appointed Complaints Governor within 10 school days of the complaint being lodged with them.

The Chair of Governors or appointed Complaints Governor will respond to you in writing within 20 school days outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and outline your right of appeal and how you can start this process.

## **Stage 3 – Appeals**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 7 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.

If there are fewer than three governors from Holgate Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

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

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation

is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 4 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Holgate Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 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 Holgate Primary School Name will take to resolve the complaint.

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

## **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Holgate Primary School. 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.

### **Policy for managing serial and unreasonable complainant**

*(Guidance taken from the DfE Best Practice 2020)*

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of their contact with the school.

A complaint may be regarded as unreasonable when the person making the complaint: -

- 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 a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects 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
- 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
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful 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

Complainants should try to limit the numbers of communication with the school that relates to their complaint while a 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.

Whenever possible, the Head of School, Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head of School or Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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 premises.

### **Barring from the School Premises**

(Including guidance from the DfE Best Practice 2020)

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. The welfare of pupils and staff is paramount and Governors and Senior Staff have a duty of care to ensure they take action to maintain a safe and tolerable environment for learning.

Acts of aggression, intimidation or use of abusive, offensive or discriminatory language are not acceptable and will not be tolerated from any visitors to the school premises.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head of School, Executive Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

The decision to bar will be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place and when the review will be considered.

Anyone wishing to complain about being barred can do so, by letter or email, to the Executive Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

### **Duplicate Complaints**

If a duplicate complaint is received from another family member and the complaint is about the same subject, the new complainant will be informed that the school has already considered the complaint and that the local process is complete. We will take care not to overlook any new aspects to the complaint that may not have been previously considered and will ensure these are investigated and dealt with to the full extent of the complaints procedure.

### **Complaint Campaigns**

If the school becomes the focus of a campaign and receives large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

Complaints of this nature will be dealt with using a separate procedure which may include:

- sending a template response to all complainants
- publishing a single response on the school's website

### **Governing Body – Monitoring and Review**

As a school we will review and evaluate all formal complaints no matter how far they are taken or what the outcome, to ensure that similar problems are avoided in the future or to see if they could have been managed more effectively.

The Governors monitor the complaints procedure in order to ensure that all complaints are handled properly. The Governing Body will review the complaints policy bi-annually or as per legislative changes or updates in best practice guidance.

The Head of School retains a records of all serious complaints received by the school and also the records of the process and how they were resolved. The Senior Leadership Team and governing body (if appropriate) are informed so that any improvements/adaptations to policy and procedures can be made.

Governors take into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy. This policy is made available to all parents so that they can be properly informed about the complaints process.

## **Appendix A**

### **Roles and Responsibilities**

#### ***Complainant***

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

#### ***Investigator***

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

*The investigator should:*

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head of School or Executive Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

**The Head of School or Executive Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.**

***Complaints Co-ordinator*** (this could be the Head of School / Executive Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Head of School, Executive Headteacher Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
- sharing third party information
- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

#### ***Clerk to the Governing Body***

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

## **Appendix B**

### ***Sutton Road and Holgate Primary School Collaboration - Formal Complaints Form***

Please complete and return to The Head of School who will acknowledge receipt and explain what action will be taken.

<b>Your name/s</b>	
<b>Pupil's name (if relevant):</b>	
<b>Your relationship to the pupil (if relevant):</b>	
<b>Your contact address including Postcode:</b>	
<b>Your daytime telephone number</b>	
<b>Your contact mobile number</b>	
<b>Your contact email address</b>	
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>	
<b>Action taken so far and solutions offered (please include here the names of the staff who have dealt with your complaint)</b>	
<b>Detail the reason that the resolution offered was not satisfactory for you</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details.</b>	
<b>Signed</b>	
<b>Date</b>	



# Listening to you



**A guide parental guide of the school's complaints procedure**

**Updated Spring Term 2021**

At Holgate Primary School, we aim to work closely with parents, carers and families and we would hope that if you have any concerns or problems about your child/children you would feel able to come and discuss them with your child's class teacher as soon as they arise.

It may be about something that can be quickly discussed first thing in the morning or after school.

If it is something that will take longer than a few minutes it is better to make arrangements to talk to the teacher after school when it is quieter.

The class teacher will make every effort to deal with your concerns.

If the class teacher is unable to help then please see the school office team to arrange to speak to one of the members of our Senior Leadership Team who will listen to your concerns:

Mrs Nicola Davies (Executive Headteacher)  
Mrs Samantha Arnold (Head of School)  
Mrs Emily Davies (Assistant Head)  
Miss Amy Townsend (Assistant Head)  
Mrs Kerry Wilson (Senior Leader)  
Mrs Rebecca Vowles (Senior Leader)

The following pages will tell you what steps to take if you have a complaint that cannot be dealt with through informal discussion.

## What do I need to do?

1. Please contact the school and ask who the best person is to deal with your complaint. Make an appointment to speak to that person or write a letter or email to [office@holgateprimary.org](mailto:office@holgateprimary.org) If you have communication preferences due to disability, learning difficulties or English as a foreign language you may use alternative methods of contact.
2. Think about the nature of your complaint. You may wish to make a written note so that you can be clear about; -
  - What you are complaining about
  - What has happened – not what **may** have happened
  - When and where the incident happened
  - Who else was involved or were there any witnesses
  - Who you have spoken to already about the incident
  - What you want to happen as a result of your complaint.

Or – you may wish to raise concerns about a more general area of dissatisfaction.

The school will look into concerns and respond once the relevant facts have been established.

### **What if my complaint is against the Head of School or Executive Headteacher?**

You should contact the Chair of Governors. The School Office will let you know how to contact him.

### **What if my complaint is about the Governing Body or an individual governor?**

The Chair of Governors will investigate complaints about an individual governor. Complaints about the Chair of Governors will be investigated by a nominated Complaints Governor.

## What can I expect to happen?

At school we will do all we can to listen to your complaint and deal with it to your satisfaction. The complaint will be dealt with as quickly as possible but it may be necessary to take some time to investigate it thoroughly. A reasonable amount of time for most complaints is 15 school days. If it will take longer than this, you will be told. If the school does not support the complaint you will be told the reasons why and you may ask for these in writing.

### **What if I am not satisfied with the way the school has dealt with the complaint?**

You have a right of appeal. A Panel of Governors who have not been involved in the matter will investigate the process that has taken place in dealing with your complaint. If you are still dissatisfied at the outcome of this, you can contact the Secretary of State, School Complaints Unit, DfE, 2nd Floor, Piccadilly Gate, Manchester, M1 2WD

### **Who else can help?**

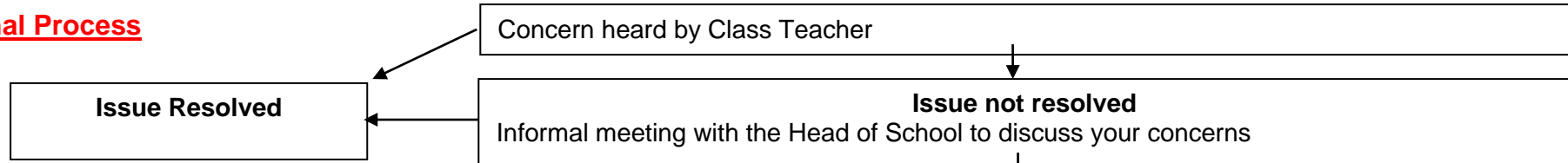
You may wish to involve a friend, representative or interpreter to support you and come with you to visit the school.

Ask Us Nottinghamshire (formerly Parent Partnership Service) are an agency that may be able to help too.  
Tel: 0800 121 7772

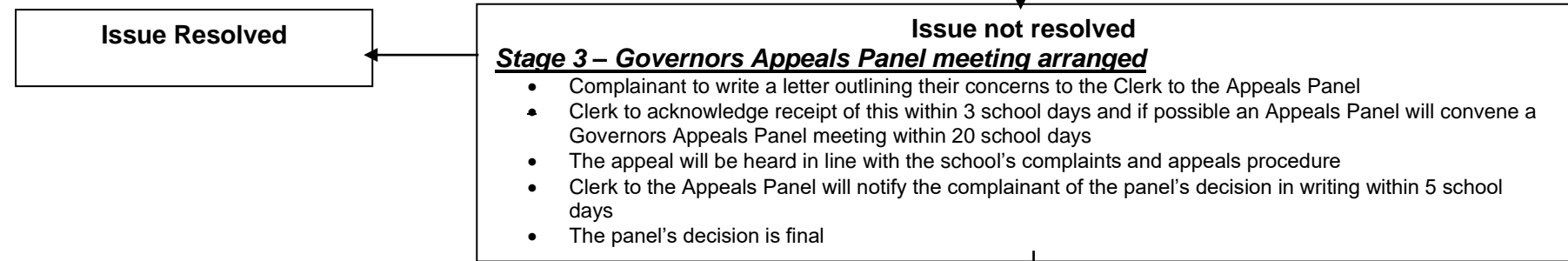
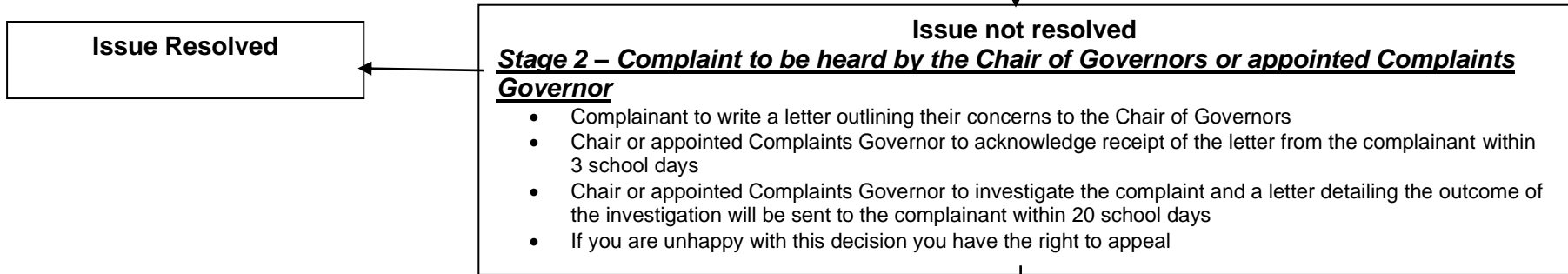
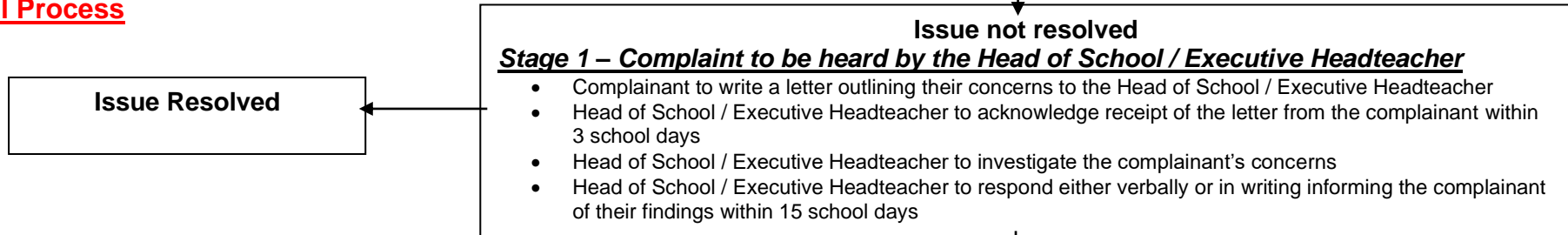
*(This booklet approved by the Governing Body Spring Term 2021)*

**Sutton Road and Holgate Primary Schools Collaboration  
SUMMARY OF DEALING WITH COMPLAINTS PROCESSES**

**Informal Process**



**Formal Process**



If you are unhappy with the outcome after the complaints procedure has been completed you may wish to put your complaint to the Secretary of State, School Complaints Unit, DfE, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester, M1 2WD