



Leominster Primary School

Concerns and Complaints Policy and Procedure

Who can make a complaint?

This policy sets out our procedures for dealing with concerns and complaints relating to all facilities or services provided by the school. It may be used by anyone who has a concern or complaint about any aspect of school, including parents and carers of pupils and members of the public.

Unless complaints are dealt with under separate statutory procedures, we will use this complaints procedure – refer to Appendix 1 for complaints not in the scope of this policy and how to deal with them.

The difference between a concern and a complaint

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints.

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure; this informal stage will be referred to as Stage 1. Leominster Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Those raising a concern, or complaint, should realise that the relevant staff will intend to resolve the issue without having to move to the formal Stage 2 and Stage 3 levels.

If a complainant has difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, one of the headteachers will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, one of the headteachers will refer the complainant to another staff member. The ability to consider the concern objectively and impartially is most important.

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

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing, by email or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Initially concerns should be raised with the class teacher or appropriate member of staff - Stage 1. If the issue remains unresolved, the next step is to make a formal complaint, Stage 2

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 a later stage of the procedure.

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

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors (Mike Hawthorne) 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 made to the Local Authority.

For formal complaints, a standard complaint form is included at the end of this procedure, Appendix 2. 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.

Anonymous complaints

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

Time limit for making a complaint

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.

Resolving complaints

At each stage in the procedure, Leominster Primary School will seek to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

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

Withdrawal of a Complaint

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

Stages of the Concerns / Complaints Procedure

Stage 1 Informal procedure for dealing with concerns and complaints

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, email, by telephone or in person by appointment, requested via the school office. Most concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of the concern being about the member of staff, the complainant can discuss the concern with the headteacher.

If the concern is about the headteacher, the complainant will be referred to the chair of the governing body.

Within 3 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure – **formal approaches**.

Stage 2 Formal procedures for dealing with concerns and complaints

If the informal procedure for dealing with a concern or complaint has failed to resolve the matter a formal complaint can be made. The complainant should submit their complaint in writing, preferably using the complaint form in this policy. The complaint will be formally acknowledged by letter or email within 5 school days of receipt. If deemed appropriate, the school may contact the Local Authority for advice.

A formal complaint will be investigated by one of the Headteachers or a person nominated by them.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of the investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decisions made. Where appropriate, it will include details of actions Leominster Primary School will take to resolve the complaint.

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice- Chair), a suitably skilled independent governor, or person from the Local Authority will be appointed to complete all the actions at Stage 2. At the conclusion of their investigation, the independent investigator will provide a formal written response

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

Stage 3 Final school based stage - Complaint Heard by Governing Body's Complaints Panel

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 panel, which will be formed of the first three, impartial, governors available. This is the final school based stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk of Governors, via the school office, within 5 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 5 school days.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

The complaints panel will consist of 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 Leominster Primary School available, the Clerk will source any additional, independent governors through another local school or through the 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 panel 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. The meeting should be held in the spirit of reconciliation and attempt to reach a resolution which is acceptable

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- 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 3 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 panel will 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 individual 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 panel will consider the complaint and all the evidence presented. The panel 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 panel 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 Clerk of the panel will provide the complainant and Leominster 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.

Refer to appendices 4 and 5 for details referring to the Governing Body's Complaints panel.

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 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Leominster 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, by telephone on: 0370 000 2288 or by writing to:

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

Summary of dealing with concerns and complaints

Stage 1 Informal Complaint	<ul style="list-style-type: none"> Concern or complaint discussed with an appropriate member of staff. If issue is un- resolved a formal complaint can be made.
Stage 2 Formal Complaint	<ul style="list-style-type: none"> Complainant to write to the head teacher/chair of governors outlining their complaint, preferably on the form provided in appendix 2. Letter to be sent within 5 school days of receipt of the complaint to confirm how the complaint will proceed with timescales. Full response by the school within 15 school days of receiving the complaint.
Stage 3 Formal Complaint	<ul style="list-style-type: none"> If the complainant is not satisfied with the response at stage 2 they can escalate the complaint to stage 3; the governing board's complaint panel. This request must be made within 5 school days of receiving the outcome of the stage 2 complaint. Acknowledgement letter to be issued to complainant within 5 school days. Panel to meet within 20 schooldays of receiving the complaint. At least 10 school days before the meeting the Clerk will confirm the date, time and venue and ask for any additional information to be provided at least 5 days prior to the panel . Panel decision within 5 school days of the panel meeting
Referral to Secretary of Sate	<ul style="list-style-type: none"> olf the complainant remains dissatisfied by the informal and formal stage outcomes they can complain in writing to the Secretary of State for Education.

Frivolous and Vexatious Complaints

The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows: Complaints which are obsessive, persistent, harassing, prolific, repetitious; Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason or in an unreasonable manner.

An 'unreasonable manner' may include situations where the complainant's frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the school to meet the needs of all pupils equitably. Where the Head Teacher, and/or Chair of Governors, judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, they will take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school.

The Head Teacher or Chair of Governors will write to the complainant and explain this decision and the reasons for it, and what action will follow. Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure, the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

Links with other policies

The head teacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers/ volunteers etc and will always try to resolve any concerns as quickly as possible. This policy outlines the procedure to use for anyone wishing to make a formal complaint. On rare occasions however, people pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

Our policy on 'Unacceptable behaviour towards staff in school.' provides information regarding unreasonably persistent complainants or harassment of staff.

Date Policy Reviewed - April 2024

Next Review Date - April 2026

Ratified by the Governing Body on 14th May 2024

Appendix 1

Complaints not in the scope of this procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re- organisation proposals should be raised with Herefordshire Local Authority.</p>

<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>N.B. Complaints about the application of the Behaviour Policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteers who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p>

	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 directly.

Appendix 2

Complaints procedure Form – Stage 2

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Post Code:

Day time telephone number:

Evening telephone number:

E.mail address

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and what was the response?)

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

Are you attaching any paperwork? If so please give details

Signature

Date

Official use:

Date of acknowledgement:

By Who:

Complaint referred to:

Date:

School Actions with dates:

Final Outcomes:

Date

Appendix 3

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(Headteacher or designated person)

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 Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

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
- emphasise to the complainant the format of the panel meeting, as detailed in appendix 5
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Panel Chair

The panel'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.
- 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

Complaints Panel Member

Panel 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 panel 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 panel 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 4

Checklist for a Complaints Panel Meeting

- The complaint is a new one and has not been determined to be vexatious or frivolous
- The panel will be made up of 3 governors who have no prior knowledge or involvement of the complaint. It is good practice to try and ensure that the panel is made up of the different categories of governors on the governing body, and that consideration be given to gender and ethnicity.
- All panel members will be aware of the School's Complaints Policy and ensure that it has been followed.
- The complainant will receive a confirmation letter explaining when and where the meeting will be held and advice that they are able to bring a friend/family member to support them if they wish.
- The complainant has notified the school if he /she will be accompanied, and if so, by whom
- The complainant, Headteacher (school representative) and panel must all receive the same papers.
- The panel meeting is a private meeting and not held in public. This should take place in a room where privacy is ensured and can accommodate all the parties and any representatives comfortably.
- The Clerk will recommend the panel of governors to meet 15 minutes in advance of the published start time.
- The Clerk will meet with the complainant in advance of the meeting to explain the process.
- The Clerk will ensure that the complainant, Headteacher (school representative) will all enter the meeting room at the same time.
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations that will satisfy the complainant that his / her complaint has been taken seriously.

Appendix 5

Suggested Procedure for Panel Meetings

To ensure a fair hearing, the following procedure will normally be followed at the meeting. This can be adjusted if all parties are in agreement. It is the role of the Chair of the panel however, to ensure that all parties have appropriate opportunity to present their case or question the other party.

- Both parties are invited into the meeting at the same time
- Introductions and welcome by the chair of the panel
- Chair explains the purpose of the meeting, the procedure, checks all parties have received the paperwork and outlines the ground rules, such as treat each other with respect and courtesy and no use of inappropriate language;
- Complainant sets out their complaint to the panel and why they are not content with the outcomes so far
- The school representatives (Headteacher) and panel members have an opportunity to ask questions;
- The school representatives explain the actions they have taken, and the reasons for decisions made.
- Complainant and panel members have an opportunity to ask questions;
- The chair will confirm with all parties that they have had every opportunity to make their case and ask questions
- The chair will ask the complainant and the school representative to sum up their case.
- The chair will thank both parties for attending and will inform the complainant and school representatives that they will receive a decision letter within 5 school days and ask them to leave the room
- The panel deliberates and the clerk will record the outcomes and compose the letter to be sent to both parties within the specified time limit of five school days.