



Ashover Primary School

COMPLAINTS POLICY

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What to do if you have a concern...

Cooperation and liaison between parents, staff and governors leads to a shared sense of purpose and a positive atmosphere in school.

Hopefully, your child is settled and happy, and is enjoying school life. However, there may be a time when your child is having a difficulty at school and you need to know what to do to help resolve the problem.

If you or your child has a problem concerning a school issue, first talk to your child's teacher. Think about what you hope will happen as a result of your discussion and let the teacher know this.

If the issue seems to continue, it is important that you meet again with your child's class teacher to highlight that the issue appears to be on-going.

If you haven't been able to resolve your concern at this point, then please make an appointment to see the headteacher.

It is in everyone's interests for things to be sorted out smoothly.

Sometimes it is not possible for all parental requests to be met, but with direct communication we hope to reach a positive resolution in the interests of achieving the best outcome for all concerned.

On the rare occasion that a solution proves to be particularly difficult, you can invite a governor to offer help and advice.

Finally, if the problem has still not been sorted out...

You can make a formal complaint (please see our **Complaints Policy**) This is a serious step to take, and it is important that you have thought things through carefully.

In a school setting it is inevitable that concerns appear from time to time, but we much prefer to hear from you at an early stage in order that we can work together to stop a worry growing and to speedily find a harmonious resolution. **Thank You.**

COMPLAINTS POLICY

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

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

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on our website.

2. Legislation and guidance

The policy is based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about elements of Early Years Foundation Stage requirements

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint:

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

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

Admissions Statutory assessments of special educational needs (SEN)	Concerns about admissions and statutory assessments of Special Educational Needs should be raised with Derbyshire County Council
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Safeguarding matters	If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or Social Care
Exclusion of children from school	Further information about raising concerns about exclusion can be found at www.gov.uk/school-disciplineexclusions/exclusions
Whistleblowing	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: www.education.gov.uk/contactus Volunteer staff who have concerns about the school should complain through Complaints Policy. You may also be able to complain direct to the DfE depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with in accordance with the school's internal grievance procedure.
Staff discipline / conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

Arrangements for handling complaints from parents of children with SEN about a school's support are within the scope of this policy. Such complaints should first be made to the headteacher; they will then be referred to this complaints policy. The school's SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that a school has discriminated against their child.

Complaints about services provided by other providers who use the school premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures.
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly.
- Ask for assistance as needed.
- Treat all those involved with respect.
- Not publish details about the complaint on social media.

4.2 The investigating officer

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes.
- Consider records and any written evidence and keep these securely.
- Prepare a comprehensive report and response to the complainant which includes the outcome of the investigation, identifies solutions and recommends courses of action to resolve problems.
- Determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

4.3 Clerk to the Local Governing Team

The clerk will:

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaints committee panel.
- Arrange the complaints hearing.
- Record and circulate the minutes and outcome of the hearing.
- Ensure that the local governors / the panel have received appropriate training, if necessary.

4.4 Panel chair

The panel chair is nominated in advance of the meeting and will:

- Chair the meeting, ensuring that everyone is treated fairly and with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.
- Ensure the meeting is minuted.
- Communicate the outcome with the complainant, providing appropriate escalation details.

4.5 Panel Members

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.

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises, and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5.1 Early Help Offer Complaints

If there are any complaints relating to the Early Help Offer and provision for children and families, these will be dealt with in the first instance by the Senior Leadership Team or Designated Safeguarding Leads then, if unresolved, by the headteacher.

5.2 Data Protection Complaints and appeals.

UK GDPR and DPA Complaints

All staff must be aware of the complaints process. All complaints should be directed to the Data Protection Compliance Manager. The Data Compliance Manager can be contacted at Enquiries@ashover.derbyshire.sch.uk. If any member of staff is aware that a person wishes to complain they should direct the person to the school website and complaints policy and form.

Data Protection Compliance Manager is responsible for dealing with all complaints in line with this procedure.

The school's complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the school have not dealt with your matter satisfactorily you can complain to the Information Commissioner

By post:
Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow
SK9 5AF

Or by email: caserwork@ico.org.uk

More information is on the ICO website ico.org.uk.

5.3 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome with 28 days of receiving the complaint. Schools will keep a record of the complaint (see section entitled 'Record Keeping' below) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that a school is not meeting Early Years Foundation Stage requirements by:

- Calling 0300 123 4666
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form available at
<https://www.gov.uk/government/organisations/ofsted#org-contacts>

Schools will notify parents and carers if they become aware that they are to be inspected by Ofsted. Schools will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Summary of complaints procedure

We have adopted a 3-stage process for dealing with complaints:

- Stage 1 – Informal resolution
- Stage 2 – Formal investigation
- Stage 3 – Governing Body panel hearing

7. Stage 1: Informal resolution

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher, preferably in person or by letter, telephone, or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

We do not impose specific timescales for dealing with concerns at this stage however they will be considered as expeditiously as possible and, in most cases if appropriate, complainants will be offered a meeting in person to try to resolve.

If the complaint is not resolved informally, it will be escalated to a formal complaint – stage 2.

8. Stage 2: Formal investigation

The formal stage involves the complainant putting the complaint into writing using the complaint form **Annex A**.

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The school will acknowledge the complaint form within five working days. The headteacher (or other investigating officer appointed by the headteacher for this purpose) will then conduct an investigation, speak to the necessary individuals, take statements from those involved. This could take up to 10 working days. Written records of meetings, telephone calls and other documentation on will be kept.

Once the facts have been established, the headteacher or appointed investigating officer will arrange a meeting with the complainant to discuss the investigation. The complainant will leave the meeting with a letter that explains the outcome of the investigation. This meeting will be held within 20 working days from the date the complaint form was received by the school.

If the complainant is not satisfied with the response and wishes to proceed, they should refer to Stage 3. The complainant should inform the clerk to governors in writing within five working days.

If the complaint is against the headteacher, Stage 2 will be conducted by the chair of governors.

If the complaint is against a governor, Stage 2 will be carried out by the chair of governors from another member of the Governing Body.

If you are not sure where to address your complaint, contact the school office.

9. Stage 3: Independent Review Panel

Complaints will be escalated to an Independent Review Panel if the complainant is not satisfied with the response to the complaint at Stage 2.

The panel will be appointed by, or on behalf of the school, and must consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school. The panel cannot be made up solely of the school's Governing Body as they are not independent of the management and running of the school.

The aim of the Independent Review Panel is to resolve the complaint and achieve reconciliation between the school and the complainant.

If you wish to request a panel hearing, please write to the clerk to governors at the school explaining why you are unhappy. The letter should be sent within 25 working days (one month) of receiving the outcome letter from Stage 2. If the letter is received outside the 25 working days, the complaint will be referred back to Stage 1 of this process.

The clerk to governors will set up a hearing within 10 working days of receiving the letter and inform the complainant of this in writing. All parties will be given five working days' notice of a hearing. The review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant, and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The panel will have access to the existing record of the complaint's progress (see section 8).

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and Headteacher.

The school will inform those involved of the decision in writing within 15 working days.

10. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of the local governing team will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which the school will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the school's position and their options (if any), and
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- There is reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school or staff.

Unreasonable behaviour which is abusive, offensive, or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school act reasonably.

Duplicate complaints

If the school has resolved a complaint under this procedure and receives a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If the school is satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete.
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint.
- If there are new aspects, we will follow this procedure again.

Complaint campaigns

There can be occasions where the school receives large volumes of complaints from multiple sources. In these cases, we reserve our right to treat this as a complaints campaign and as such we may choose to manage these complaints as a whole and produce a single statement which is shared with all complainants.

Although the subject matter of the complaint will be taken seriously and fully investigated, the issue will not be investigated repeatedly without good reason.

In the event of a complaint which is identified as a part of a series of near identical complaints, the following process will be followed:

- The complainant begins the complaints process as usual.
- School staff identify that this complaint is one of many very similar complaints.
- A single letter of response is prepared.
- This letter of response is shared with each complainant.
- Complainants will have an opportunity to appeal the outcome of the complaint.

As there may be a high volume of complainants and therefore a high number of appeals received, appeals may also be managed as a whole and as such the procedure will be varied. It will not be possible for all complainants to attend an appeal panel meeting, however an opportunity to submit additional information will be provided.

Subsequent Complaints whilst a complaint is in process

Once a complaint has been logged for a complainant, all provided details will be used for investigation of the subject (or subjects) until completion of the complaints procedure. Subsequent details provided

relating to the complainant subject (or subjects) by the original source, or otherwise, will not be considered for the same subject, until completion of the inflight complaint process.

11. Record-keeping and confidentiality

The school will record the progress of all complaints, including information about:

- Actions taken at all stages.
- The stage at which the complaint was resolved.
- The final outcome.

The records will also include copies of letters and emails, and notes related to meetings and phone calls.

This material will be treated as confidential and stored securely in the school office and will be viewed only by those involved in investigating the complaint or on the review panel.

Data will be processed to be in line with the requirements and protections set out in the UK General Data Protection Regulation.

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

Records of complaints will be kept for 6 years from the date of resolution of the complaint.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing body of the school in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing body, who will not unreasonably withhold consent.

12. Learning lessons

The Governing Body where appropriate, and respecting confidentiality, will determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

The Chair of Governors will monitor the level and nature of complaints across the schools and will review any underlying issues raised by complaints where appropriate, and respecting confidentiality, determine whether there are any improvements that the schools can make to its procedures or practice to help prevent similar events in the future.

Annex A COMPLAINT FORM (Stage 2)

Your name	
House/ flat/ building number and street name	
Town	
County	
Postcode	
Your telephone number	
Your email address	

Please provide as much detail as possible. All of the boxes expand to take additional text.

I am writing to make a formal complaint against/about.	
Please describe what your complaint is and when it arose.	
What do you think the school did wrong or did not do? Include dates, names of witnesses etc.	
Please provide details about the consequences of what happened.	
What action, if any, have you already taken to try to resolve your complaint? (Who have you spoken with or written to and what was the outcome?).	
What do you think the school should do to resolve matters at this stage?	
Please list copies of any documents you are attaching to the complaint.	

**Please consider if you give consent to share your personal data with any investigating officer or not.
Please delete either:**

I give my consent for information held in paper and electronic records in respect of my case to be made available to any allocated investigator. I consent to this confidential and sensitive data to be shared for that specific purpose. I realise that any information held about any third party cannot be shared without their specific consent.

Should it be necessary in the view of the investigator to seek that third party consent I give my approval that they may share sufficient information with that third party to enable that person to make an informed choice about whether or not to give consent to sharing that person's information with the investigator.

OR

I do not give my consent to share my personal data to an allocated investigating officer. I acknowledge that this may limit the scope of the complaint investigation.

Signed:

Dated:

Annex B Management of Different Stages of the Complaint

Complaint relates to	Stage 1 Informal	Stage 2 Formal Investigating Officer	Stage 3 Complaint Panel
Pupils, parents or staff (other than the Headteacher)	The appropriate member of staff	The Headteacher or another Senior Leader	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.
The Headteacher	The Headteacher	The Chair of Governors	
A Governor or Governors (other than the Chair of Governors)		The Chair of Governors	The panel cannot be made up solely of the school's Governing Body, as they are not independent of the management and running of the school.