



Dalmain Primary School Concerns & Complaints Procedure

This policy complies with section 29 of The Education Act 2002

Part 1: The School Complaints Policy

Aims of the Policy

To set out procedures for responding to concerns or complaints made against the school.

To ensure that the school operates in line with the Department for Education Best Practice Advice for School Complaints March 2019. To this end, we have ensured that this policy and procedure:

- is simple to understand and use
- is impartial and non-adversarial
- enables a full and fair investigation
- respects confidentiality where necessary
- addresses all the points at issue and provides an effective response and appropriate redress where necessary
- provides information to the school's senior leadership team so that services can be improved

Dealing with concerns – informal procedures

A 'concern' is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. Dalmain School takes all concerns seriously and will make every effort to resolve the matter as quickly as possible. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The school will address informal concerns seriously at the earliest stage in order to reduce the need for lengthy and time-consuming formal procedures. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally by clarification or the provision of information, without the need to use the formal stages of the complaints procedure; it is anticipated that most concerns will be resolved by this informal stage.

Dealing with complaints – formal procedures

A complaint is 'an expression or statement of dissatisfaction about actions taken or a lack of action'. All complaints should follow the formal procedures outline below and should only be invoked when initial and informal attempts to resolve the issue are unsuccessful and the person raising the concern remains

dissatisfied and wishes to take the matter further. **Formal complaints MUST be made in writing using the School's Complaints Form (see below).**

Who can make a complaint?

This procedure is for parents or carers with parental responsibility for children that are currently registered at the school (or those who have left up to three months previously), but it is not limited to them. Any member of the public may make a complaint to Dalmain School about any provision of facilities or services that the school provides. Under GDPR regulations, the school cannot disclose any confidential information about a child, member of staff or governor in response to a complaint.

What concerns and complaints are not covered by this procedure?

The procedure is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal: for example child abuse, statutory special needs assessments, staff conduct and discipline (when not concerned with their professional duties), school admissions or exclusions. If this is the case, on receipt and review of your complaint the school will confirm this with the complainant. Information about complaints subject to statutory procedures are detailed on page 16 of this document.

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 Limits

The school aims to consider and resolve all complaints as quickly and efficiently as possible so time limits have been set for each of the formal procedures and actions within each stage. However, where it is not possible to keep within the set time limits, including where further investigations are necessary, new time limits can be set. The school will keep the person who raised the complaint informed of progress and provide an explanation for any delay and new expected timeframes.

Formal complaints should be raised by the complainant as soon as possible but no later than three (3) months after the incident or issue has occurred.

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.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay.

Documenting Complaints

The school will document the progress of the complaint and the final outcome. At the end of meetings or telephone calls the member of staff should ensure that the complainant and the school have the same

understanding of what was discussed and agreed. A brief note can be kept and a copy of any written response added to the record.

The school will keep a record of the final outcome. The Headteacher is responsible for these records and will hold them centrally.

The school is aware that complainants have a right to copies of these records under the Freedom of Information Act 2000 and Data Protection Act 1998.

Governing Body Review

The Governing Body will monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. The policy and procedure is reviewed annually (at least) and is ratified by the Chair of Governors or full Governing Body.

Resolving complaints

At each stage in the procedure, Dalmain School wants 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 and procedures 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.

Part 2: The School Complaints Procedure

It should be noted that 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 communicate promptly.
- treat all those involved with respect including children, families and staff members who may be involved.
- respect the confidentiality of the proceedings including by not publishing details about the complaint on social media or referring to them in WhatsApp groups, for example.
- respect the needs of pupils, families and staff within the school community.
- recognise the time constraints under which school staff work and allow the school a reasonable time to respond to a complaint.
- recognise that resolving a specific problem can sometimes take some time.

Stages of the Procedure

- **Informal Stage, dealing with concerns:** initial concerns are heard by the Class Teacher, appropriate member of the Senior Leadership Team or Headteacher on an informal basis, either in person, by telephone or in writing, including email.
- **Formal stage 1:** the process for a formal written complaint is managed by the Headteacher including communication about the outcome. If the complaint is about the professional conduct of the Headteacher, then this process will be managed by the Chair of Governors/nominated Governor. If the complaint is about the professional conduct of the Chair of Governors or the Full Governing Body, it will be considered by an independent investigator (eg. a Governor at another educational setting or the Clerk to the Governing Body).
- **Formal Stage 2:** If Stage 1 has been completed and the complainant believes that school policies were not followed, the case can be referred to a panel of three Governors. The panel will review the investigation carried out at Stage 1 to consider whether school policies have been followed.
- **Secretary of State Review:** Having exhausted the previous stages, complaints can finally be taken to the Secretary of State for Education, but only on the grounds that the Governing Body is acting or proposing to act unreasonably or illegally.

1. Informal Stage: initial contact with the school

Many concerns can be dealt with informally. Your first point of contact should be the pupil's Class Teacher, an appropriate member of the Senior Leadership Team All or the Headteacher, all of whom can be contacted via the School Office. They are also usually available in the school playground at the beginning or end of the school day.

A concern can also be raised in writing, by telephone or by email. Arrangements can be made for you to meet with staff member/s (either in person or by telephone) via the school office. A concern may be raised by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

When you raise a concern the school will give consideration as to who would be the appropriate person to address it. The ability to consider the concern objectively and impartially is the most important factor.

Informal concerns regarding operational matters will be dealt with and managed by the Headteacher.

Directing Concerns:

- Concerns about operational matters within the school should be raised with the Headteacher.
- Concerns about the professional conduct of any member of school staff (except the Headteacher) should initially be raised with the Headteacher.
- Concerns that involve or are about the professional conduct of the Headteacher should initially be raised with the Chair of Governors. You should contact the School Office to obtain the Chair's contact details.
- Concerns about the professional conduct of the Chair of Governors, any individual governor or the whole governing body should initially be raised with the Clerk to the Governing Body via the school office.
- Concerns raised will receive an acknowledgement and an appropriate response based on school policies and procedures within 15 working school days. This may be written or verbal depending on the initial approach.

It may be necessary to take advice before responding to a concern. If so, the school will endeavour to provide you with an update on the progress of their enquiries as quickly as possible.

Persons who wish to raise a concern should not approach individual governors. They have no power to act on an individual basis, and should the matter reach the formal stages it may also prevent them from considering it as part of the Complaints Procedure.

Mediation

If no agreement has been reached between you and the school a mediation meeting can be initiated by either party within 15 school days of the response to the concern. You may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns. A member of staff will also be present to represent the school's view. The meeting will be chaired by the Headteacher or a designated Governor as appropriate. Such an approach should allow for all options to be explored and for all parties to work together to reach a resolution.

If the issue remains unresolved, the next step is to make a formal complaint.

Formal Stage 1: formal consideration of your complaint

1. **A formal complaint only be made if and when the informal process outlined above been followed but has failed to address your concern.**
2. Formal complaints should be lodged as soon as possible but no later than **three (3) months** after the incident or issue has occurred.
3. Formal complaints must be put in writing, **using the Complaints Form (Appendix 2)**, and submitted via the School Office. The form should include details of the complaint, action already taken to resolve it and proposed future actions that may help to resolve the problem.
 - If the complaint concerns an operational matter within the school it should be sent to the Headteacher.
 - If the complaint concerns the professional conduct of any member of staff (except the Headteacher) it should be sent to the Headteacher.
 - If the complaint concerns the professional conduct of Headteacher, it should be sent to the Chair of Governors.
 - If the complaint is about the professional conduct of Chair of Governors it should be made in writing to the Vice-Chair of Governors.
 - If the complaint is about the professional conduct of the Governing Body it should be made to the Clerk of the Governors.

All complaints should be marked Private and Confidential.

The school will acknowledge any complaint in writing within five **(5) working school days** of receiving it.

If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice Bureau 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.

4. Who investigates a complaint (manages the complaint process):
 - If the complaint is an operational matter, then the Headteacher will manage the complaints process. (This will be the case even if the Headteacher has prior knowledge and/or involvement in the informal concern process outlined above).
 - If the complaint concerns the professional conduct of any member of staff then the Headteacher will manage the complaints process. (This will be the case even if the Headteacher has prior knowledge and/or involvement in the informal concern process outlined above).
 - If the complaint concerns the professional conduct of the Headteacher then the Chair of Governors will manage the complaints process.

- If the complaint is about the professional conduct of the Chair of Governors then the Vice-Chair of Governors will manage the complaints process. They may approach a different school to ask for help or the local governor services team at the Local Authority.
- If the complaint is about the professional conduct of the Governing Body then the Clerk of the Governors will manage the complaints process. They may approach governors from a different school to ask for help or the local governor services team at the Local Authority.

If any clarification is needed prior to the investigation, you **may** be contacted for this information. Equal opportunities for both the complainant and defendant to provide clarification will be allowed.

5. Following the receipt of a complaint the appropriate person (as outlined above) will review the complaint.
6. **The process for the management of the Stage 1 complaint will be as follows:**
 - Establish the facts about how relevant school policies were followed / not followed
 - Establishment of the facts through the evidence provided in written or verbal statements by the complainant and defendant.
 - The evidence provided by the complainant for consideration will generally be limited to that included in the original complaint document unless additional evidence is requested.
 - The evidence provided by the defendant for consideration will generally be limited to that initially provided in initial response to notification of the complaint unless additional evidence is requested.
 - Based on the above, decide whether or not to investigate a complaint, and provide a written response to the complainant, explaining the decision and the reasons for it. If the complaint will be investigated, expectations for the process and timing will be provided to the complainant.
 - Notify the defendant that a complaint has been made about them. The complaint should be shared with them and due time allowed, to be at least five (5) working school days, for their review and response.
 - Terms of Reference for the Stage 1 investigation will be communicated
 - In some cases, it may be necessary to conduct a fact finding interview in which case both the complainant and defendant would be invited for a meeting. Please note neither party is obligated to attend an interview if they do not wish to. Any meeting will be held in private. The person investigating the complaint should ensure that the meeting is properly minuted. Since such minutes usually name individuals, they are understandably of a sensitive, and therefore confidential in nature.
 - Gathering of additional evidence to inform the context or background information that may be relevant including documents, emails or other forms of evidence such as records and reports. This will be at the discretion of the person investigating.
 - Confirmation of the outcome to the complainant and defendant.

7. The school will aim to respond to formal complaints within 15 working school days of receiving the complaint. If this is not possible, the school will write to you to ensure you are kept informed of the progress in addressing their complaint and give you a revised response date.
8. **The decision at this stage will usually be final.** If you believe that school policies have not been followed or that the Stage 1 process has been improperly managed you may proceed to Stage 2, as described below. This should be done by writing to the Chair of Governors within five (5) school days of receipt of the Stage 1 response letter. However, if the complaint is about the Chair of Governors or the Governing Body (or individual member of the GB) then this letter should be addressed to the Clerk of the Governors who will arrange the Stage 2 process.
9. Evidence which is extraneous or not immediately related to the complaint will not be considered. Evidence must be first hand and directly related to the complaint. Qualifying evidence will be at the discretion of the person investigating.
10. Confidentiality is important to securing the confidence of all concerned in the process. Conversations and correspondence must be treated with discretion. However, the parties to a complaint should be aware that some information may have to be shared in order to carry out a thorough investigation where this is required, information may be redacted to maintain necessary confidentiality. This will be at the discretion of the instigating officer, who may seek advice from the Local Authority as required.
11. Being unhappy about the outcome reached in Stage 1 is not grounds for a complaint about the individual/s managing the complaint.

When supplying evidence to support an informal or formal complaint, please ensure that confidentiality and privacy is not breached by referring to third parties (eg. children, parents/carers or members of staff) who are not directly involved in the complaint.

Formal Stage 2: Consideration by a Governors' Appeal Panel

If the complainant believes that school policies were not followed correctly at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2, consideration by a Governors' Appeal Panel. This is a formal process and the final stage of the procedure at school level.

NB: The Panel will not review any new complaints at this stage nor consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The purpose of this appeal is to give you the chance to present your arguments as to whether school policies and the process set out in Stage 1 have been followed.

A request to escalate to Stage 2 must be made to the Clerk of the Governing Body, via the school office, within five (5) working school days of receipt of the Stage 1 response. Requests received outside of this timeframe will only be considered if exceptional circumstances apply. The Clerk will need the details of the complaint, as well as details from the complainant on how they feel school policies have not been followed, and what they feel would resolve the complaint.

No further evidence beyond that submitted in the original Stage 1 complaint can be submitted; only evidence about how school policies have not been followed at Stage 1 or how the Stage 1 process itself has been followed.

The Stage 2 review will be undertaken by a Panel comprised of three members of the Governing Body, which will be formed of the first three available and impartial governors with no prior knowledge of the complaint.

The Panel will decide amongst themselves who will act as the Chair of the Complaints Panel. If there are fewer than three governors from Dalmain 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 Panel. Alternatively, an entirely independent Panel may be convened to hear the complaint at Stage 2.

The Panel's remit is to review how the complaint has been investigated in line with school policies and the Stage 1 process and to determine whether the correct procedures have been followed. It is there to establish facts and make recommendations in order to reassure you that the school has taken the complaint seriously.

The Governors Appeal Panel operates according to the following formal procedures:

1. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five (5) working school days. They will also notify the defendant of the escalation to Stage 2.
2. The Governing Body will convene a Panel of three governors and will aim to arrange for the hearing to take place within 15 working school days of receiving the request to review the Stage 1 process. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant or defendant reject 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 or defendant's absence on the basis of written submissions from both parties.

3. Terms of Reference for the Stage 2 investigation will be communicated
4. 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 needs and rights of both complainant and defendant.
5. **Supporting evidence:** For either written submissions or in person meetings, the Panel **may** request supporting information regarding how school policies were not adhered to or the process at Stage 1 not followed. Only evidence demonstrating how school policies were not followed will be considered; no additional evidence regarding the original complaint will be considered. The only exception to this will be if new supporting information regarding how school policies were not followed has come to light that may affect the outcome of the Stage 2. The inclusion of this evidence in the review will be at the discretion of the Panel.
 - Details of the process followed at Stage 1 in line with school policy, including the outcome, will be provided to the Panel.
 - The Panel can request information from other sources if necessary.
 - The Clerk will compile all relevant evidence into a pack for circulation to ensure that all parties have the same information for the meeting. However, the Panel will decide what information will be included in the pack. All evidence will need to adhere to the same points of confidentiality as stipulated in Stage 1. Additionally, the Panel may decide for confidentiality or other appropriate reasons that some material may not be included.
6. At least 10 working school days before any in person meeting, the Clerk will confirm and notify the complainant of the date, time and venue of the meeting (which can be face to face or online), ensuring that, if the complainant and/or defendant are invited, the dates are convenient to all parties and that the venue and proceedings are accessible. Both the claimant and defendant will receive the same additional information if there is any. The complainant and defendant can request a meeting with the Panel if it is not offered, the Panel will need to provide clear rational if they decide a meeting should not take place with either the complainant and/or defendant.
7. If the complainant or defendant have been invited to a meeting, they will receive a letter which will explain what will happen at the meeting and that they are entitled to be accompanied to the meeting. The choice of person to accompany the claimant and defendant, but it is usually best to involve someone in whom they have confidence but who is not directly connected with the School. They are there to give them support but also to witness the proceedings and to speak on their behalf if they wish (not acting in a legal capacity).
8. Witnesses may, if necessary, be invited to attend the hearing if directly involved in matters raised by the complainant or defendant. Witnesses may be supported by a union representative or a work colleague, for example.
9. The Chair of the Panel will bear in mind that the formal nature of the hearing can be intimidating for attendees and will do their best to put all participants at ease.
10. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the hearing will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

11. If a school employee is called as a witness or defendant in a complaint Panel meeting, they may wish to be supported by a union or workplace colleague.
12. Representatives from the media are not permitted to attend.
13. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. If, at any stage of the Concerns and Complaints procedure, a member of staff suspects they are being recorded they are at liberty to end the conversation after explaining why they are doing so. Alternative arrangements will be made for communication.
14. The meeting will be held in private.
15. The Chair of the Panel will ensure that the hearing is properly minuted. Since such minutes usually name individuals, they are understandably of a sensitive, and therefore confidential in nature.
16. Normally, the written outcome of the hearing, which will be sent to the claimant and defendant, should give participants all the information required. If, however, a copy of the minutes it would be helpful this should be indicated in advance. If the Panel is happy for the minutes to be copied to, the Clerk can then be asked to maintain confidentiality in the minutes.
17. During the meeting, you can expect there to be opportunities for:
 - Both the complainant and defendant's arguments to be heard;
 - Both the complainant and defendant to be questioned by the Panel;
 - Both the complainant and defendant to make a final statement.
18. In closing the hearing, the Chair will explain that the Panel will now consider its decision and that written notice of the decision will be sent to you and the Headteacher within five (5) working school days. All participants other than the Panel and the Clerk will then leave.
19. The Panel will then consider the complaint and all the evidence presented in order to:
 - Reach a unanimous, or at least a majority, decision whether the Stage 2 complaint about how school policies have been followed at Stage 1 can be fully or partially upheld, or fully or partially dismissed.
 - The Clerk will send the claimant and defendant a letter outlining the decision of the Panel, with a full explanation of actions taken to investigate the complaint, their decision and the reason(s) for it, in writing, within five (5) working school days of the panel concluding the review of the complaint.. If the complaint is upheld, the Panel will specify in which areas this is the case in accordance with school policies. Those areas will then be directed to be re-investigated at the Stage 1 level. The Panel may also make recommendations to the School for further action, at their discretion to support resolution between complainant and defendant if appropriate.
 - The response will also advise the complainant as to how to escalate their complaint should they remain dissatisfied. (See Next Steps below.)
 - Recommend to the Governing Body, where appropriate, changes to the School's systems or procedures to ensure that similar problems do not happen again.

20. We will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.

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. If the complaint concerns SEND provision, the complainant should refer to the school's SEND Policy.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Dalmain School. They will consider whether Dalmain 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

Safeguarding referrals

Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, Page 13 of 21 usually the Local Authority's children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the safeguarding policy.

Closure of Complaints

1. Very occasionally, the school may feel that, regrettably, we need to close a complaint despite the complainant remaining dissatisfied. The school will do all they can to help to resolve a complaint but it may simply not possible to meet all of the complainant's wishes. Sometimes it may be a case of 'agreeing to disagree'.
2. Serial or persistent representations can detract from key responsibilities in school. For this reason the school reserves the right to close a complaint and cease correspondence where all reasonable action has been taken to resolve the complaint and the official process has been exhausted.
3. If the complainant continues to make representations to the school or attempts to re- open the same issue, then the correspondence may be recognised as vexatious and the Chair of Governors will inform them in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed. There will be no obligation on the part of the school to engage in any further correspondence.

Record keeping and confidentiality

The school will keep a record of the complaint including the final outcome.

This material will be treated as confidential and will be viewed only by those involved in investigating the complaint or on the review panel. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Records Management Policy and record retention schedule.

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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

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

Before using any audio or video recordings, the school will seek informed consent.

Where the governing board 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.

Unreasonable Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. Dalmain Primary 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.

Dalmain Primary School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'. A complaint may become unreasonable if the person:

- repeatedly makes the same complaint (despite ongoing and/or previous investigations or responses concluding that the complaint is groundless or has been addressed);
- makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- knowingly provides false information
- insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- 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 while still wishing their complaint to be resolved
- 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
- changes the basis of the complaint as the investigation goes on
- makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- seeks unrealistic outcomes, or a solution that lacks any serious purpose or value
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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
- 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
- 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.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:

- maliciously
- aggressively

- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishes unacceptable, untrue or inappropriate information in a variety of media such as social media websites and newspapers.

The above list is not exhaustive and there may be other circumstances where a complaint is deemed unreasonable.

Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as the Citizens Advice Bureau
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate any further actions to the complainant in writing. This may include barring an individual from our school site: the school is legally entitled to do so and has appropriate procedures in place which we will not hesitate to follow if necessary.

Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or other individual, we will first assess whether there are aspects of the case that had not considered or any new information that should be taken into account. If this is not the case, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

Complaint campaigns

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Serial and Persistent Complaints

If properly followed, this complaints procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If a complainant tries to reopen an issue or contacts the school again on the same issue, the school may choose not to respond if:

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

If the school finds it difficult to deal with a complainant because of their unreasonable behaviour and other strategies are not working, they may ask the local authority governor services team to assist by dealing with future communications. If a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps.

Complainants should limit the numbers of communications with a school 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

Scope of this Complaints Procedure

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

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 Christine Tarrant, Admissions & Fair Access Manager (London Borough of Lewisham)</p> <p>christine.tarrant@lewisham.gov.uk Tel: 0208 314 6211</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 or the Multi-Agency Safeguarding Hub (MASH)</p> <p>mashagency@lewisham.gov.uk tel: 0208 314 6660</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at:</p> <p>www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the school Behaviour Policy can be made through the school's complaints procedure. See download.asp (dalmain.lewisham.sch.uk) for the Behaviour Policy</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 whistleblowers 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>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"> • 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 discipline 	<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</p>

	action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

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 Dalmain 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 conclude.

Monitoring and reviewing the policy and procedures

This policy and its associated procedures will be reviewed annually, or when any changes to DfE or Local Authority requirements are made. It will be reviewed by the school and the Governing Body. It will be approved by the Governing Body.

Approval Level:	Full Governing Body
Responsible Governor:	Catriona Scott
Signed by Chair Of Governors (Catriona Scott):	
Date approved:	16 y 2024
Next review date:	July 2025
Author:	Erika Eisele (from Lewisham model)
Implementation date:	November 2015
Version:	004

HISTORY		
Policy review date	Reason for review	Description
November 2022	Annual review	Updated in line with current LA advice and practice. Formatting and organisational changes for clarity.

November 2023	Annual Review	No changes
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Dalmain School Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name	
Relationship with school [e.g. parent of a pupil on the school roll]	
Pupil's name [if relevant to your complaint]	
Your Address	
Daytime telephone number	
Evening telephone number	
Email	

Please give concise details of your complaint, [including dates, names of witnesses etc.], to allow the matter to be fully investigated.

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

**What action, if any, have you already taken to try to resolve your complaint?
i.e. who have you spoken with / written to and what was the outcome?**

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

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Signature	
Date	

School use:			
Date Form received			
Received by			
Date acknowledgement sent			
Acknowledgement sent by			
Complaint referred to:			
Date:			

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

The headteacher or complaints Panel 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 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, 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 Panel 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 Panel'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 Panel 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 Panel is open-minded and acts independently
- no member of the Panel 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).

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 Panel 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 Panel 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 Panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.