



## **Dalmain Primary School Concerns & Complaints Policy and Procedures**

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, Dalmain Primary School has 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 Primary 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 at 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 Primary 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 the complaint the school will confirm this with the complainant.

Information about complaints subject to statutory procedures are detailed on page 17 of this document.

### **Anonymous complaints**

The school 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.

The school 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, the school will consider them to have been received on the next **working school day**.

If at any point the time scales set out in this policy cannot be met, the school 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 Primary School wants to resolve the complaint. If appropriate, it will acknowledge that the complaint is upheld in whole or in part. In addition, the school 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 the school 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, they will be asked 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 an appropriate representative from the Local Authority).
- **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.

## **Informal Stage: initial contact with the school**

Many concerns can be dealt with informally. A concern can be raised in writing, by telephone or by email. Arrangements can be made 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.

If the person raising the concern is unsure who best to direct the concern to, 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.

### **Directing Concerns:**

The first point of contact should be the pupil's Class Teacher, an appropriate member of the Senior Leadership Team 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.

An informal concern may be raised with the Chair of Governors in the first instance only if it is about the professional conduct of the Headteacher. All other informal concerns should be raised with school staff as outlined above. The person raising the concern should contact the School Office to obtain the Chair's contact details.

Informal concerns should not be raised with 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.

Informal 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.

### **Responses to Concerns:**

Concerns raised will receive an acknowledgement within **five (5) working school days**. An appropriate response based on school policies and procedures will be provided within **15 working school days**, wherever possible.

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

Responses may be written or verbal depending on the initial approach.

### **Mediation**

If no agreement is reached between the individual(s) raising the concern and the school, a mediation meeting can be initiated by either party within **15 working school days** of the response to the concern. The persons raising the concern may be accompanied by a friend, if they wish, to assist in explaining the nature of the 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.

Following this, if the issue remains unresolved, the next step is to make a formal complaint.

### **Confidentiality**

All concerns raised should be treated with discretion and considered confidential, both by the school and individual(s) raising the concern.

## Formal Stage 1: formal consideration of a complaint

**A formal complaint should only be made if and when the informal concern process outlined above has been followed and a resolution has not been reached.**

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

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.

### **Directing Complaints:**

- 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.

If anyone requires help in completing the form, they should contact the school office. An individual raising a complaint can also ask third party organisations like the Citizens Advice Bureau for help

In accordance with equality law, the school 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.

### **Responses to Complaints:**

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

Within the acknowledgement, the school will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The person who has received the complaint can consider whether a face to face meeting is the most appropriate way of doing this.

Generally, the person who has received the complaint will investigate. If this is not possible or in the best interest of the complainant or school, the complainant will be notified as to who the investigator will be and why.

### **Investigation of Complaints:**

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 is 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.

*\*Note: The Headteacher may delegate the investigation to another member of the school's Senior Leadership Team if deemed appropriate, but not the decisions to be taken in regards to the outcome of the investigation.*

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

## **Confidentiality**

Confidentiality is important to securing the confidence of all concerned in the process. Conversations and correspondence must be treated with discretion.

The parties to a complaint should be aware that some information may have to be shared in order to carry out a thorough investigation. However, 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.

Complainants are expected to treat their complaint as confidential and should not discuss matters being investigated more widely, this includes with other members of the school community and on social media (WhatsApp, for example).

**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.**

## **Stage 1 Process**

The investigator will:

- Establish the facts about how relevant school policies were followed / not followed
- If necessary, notify any staff named in the complaint 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.

- Establish 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 provided in the initial response to notification of the complaint unless additional evidence is requested.
  - 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.
- Share the Terms of Reference for the Stage 1 investigation with the complainant and defendant
- In some cases, it may be necessary to conduct a fact-finding interview. If this is required, 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 confidential.
- Gather 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.
- Confirm the outcome to the complainant and defendant.

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 the complainant to ensure they are kept informed of the progress in addressing their complaint and given a revised response date.

**The decision at this stage will usually be final.** If the complainant believes that school policies have not been followed or that the Stage 1 process has been improperly managed they may proceed to Stage 2, as described below. This should be done by writing to the Chair of Governors within **five (5) working 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.

Being unhappy about the outcome reached in Stage 1 is not grounds for a complaint about the individual(s) managing 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 marks the final stage of the procedure at school level.

**NB: The Panel will not review any new complaints, or new elements of a complaint, at this stage nor will they 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 the complainant the chance to present their 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 Primary School available, the Clerk will source any additional, independent governors through another local school or through their Local Authority'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. This should reassure the complainant that the school has taken the complaint seriously.

### Confidentiality

The same principles of confidentiality that apply to Stage 1 will also apply to Stage 2.

### Stage 2 Process

Initial steps

- 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.
- The Clerk will seek to form the Stage 2 Panel
- Terms of Reference for the Stage 2 investigation will be communicated to all parties by the Clerk

## Panel investigation

- The Stage 1 Complaint as well as details of the process followed at Stage 1 in line with school policy, including the outcome, will be reviewed by the Panel.
- The Panel can request information from other sources if necessary.
- 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 was not followed properly. Only evidence demonstrating how school policies or the Stage 1 process 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 or the Stage 1 process were not followed that may affect the outcome of the Stage 2 process has come to light. The inclusion of this evidence in the review will be at the discretion of the Panel.
- The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations. In making their decision, they will be sensitive to the needs and rights of both complainant and defendant.
- The Panel will review all the evidence presented in order to reach a unanimous, or at least a majority, decision on whether the Stage 2 complaint can be fully or partially upheld, or fully or partially dismissed.

## Panel hearing (if required/requested)

- If a hearing is required, the Panel 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.
- At least **10 working school days** before any in person or remote 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). Both the claimant and defendant will receive the same additional information, if there is any.
- 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).
- The complainant and defendant can request a meeting with the Panel if it is not offered, the Panel will need to provide clear rationale if they decide a meeting should not take place with either the complainant or defendant.
- At least **five (5) working school days** before the meeting, an evidence pack will be circulated by the Clerk. 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. The Clerk will compile all approved evidence into the pack for circulation to ensure that all parties have the same information for the meeting.

- 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.
- 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.
- 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, they must request approval from the Panel for the evidence to be considered. If additional evidence is accepted, the hearing may be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence. This will be at the discretion of the of the Panel.
- 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.
- Representatives from the media are not permitted to attend.
- 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.
- The meeting will be held in private.
- The Chair of the Panel will ensure that the hearing is properly minuted. Since such minutes usually name individuals, they are confidential.
- During the meeting, there will 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.
- 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 the complainant, defendant and the Headteacher within **five (5) working school days**. All participants other than the Panel and the Clerk will then leave.
- The school will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.
- If a copy of the minutes is required, it would be helpful this should be indicated in advance. If the Panel is happy for the minutes to be copied, the Clerk can then be asked to maintain confidentiality in the minutes.

#### Communicating the Stage 2 Outcome

- The Clerk will send the claimant and defendant a letter outlining the decision of the Panel.
- This letter will include 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. 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, policies or procedures to ensure areas for improvement are actioned.

## **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 Primary School. They will consider whether Dalmain Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **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

Very occasionally, the school may feel that, regretfully, that it needs 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 be simply not possible to meet all of the complainant's wishes. Sometimes it may be a case of 'agreeing to disagree'.

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.

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, school 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 will be treated 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. The school and/or Governing Body will not normally limit the contact complainants have with the school.

However, the school does not expect 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 the 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 complaints procedure or with good practice
- 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
- 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 the school will take**

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

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

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

## **Stopping responding**

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

- All reasonable steps to help address their concerns have been taken
- A clear statement of the school's position and their options have been provided
- The complainant contacts the school repeatedly, and the school believes their intention is to cause disruption or inconvenience

Where the school stops responding, the individual will be informed of this intention. The school will also explain that the school will still consider any new complaints they make.

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

## **Duplicate complaints**

If, after closing a complaint at the end of the complaints procedure, the school receives a duplicate complaint from a spouse, a partner, a grandparent or other individual, this will first be assessed to determine whether there are aspects of the case that had not been considered or if any new information that should be taken into account has been provided. If this is not the case, the school will confirm that the complaint has already been considered and that the process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with the school's handling of the complaint.

## **Complaint campaigns**

If the school receives what is considered to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then these will be treated as being part of a campaign. These will be responded to 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); and
- 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 Primary 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"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Christine Tarrant, Admissions &amp; Fair Access Manager (London Borough of Lewisham)</p> <p><a href="mailto:christine.tarrant@lewisham.gov.uk">christine.tarrant@lewisham.gov.uk</a> Tel: 0208 314 6211</p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<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><a href="mailto:mashagency@lewisham.gov.uk">mashagency@lewisham.gov.uk</a> Tel: 0208 314 6660</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:</p> <p><a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the school Behaviour Policy can be made through the school's complaints procedure. See <a href="#">download.asp</a> (<a href="http://dalmain.lewisham.sch.uk">dalmain.lewisham.sch.uk</a>) for the Behaviour Policy</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff discipline</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary</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"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, Local Authority (LA) safeguarding teams or Tribunals, this may impact on the school's 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 Primary School in relation to their complaint, the school will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

**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.

<b>Approval Level:</b>	Full Governing Body
<b>Signed by Chair Of Governors (Catriona Scott):</b>	<i>Catriona Scott</i>
<b>Date approved:</b>	November 2024
<b>Next review date:</b>	November 2025
<b>Author:</b>	Erika Eisele (from Lewisham model)
<b>Implementation date:</b>	November 2015
<b>Version:</b>	005

<b>HISTORY</b>		
<b>Policy review date</b>	<b>Reason for review</b>	<b>Description</b>
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
September 2024	Update	Procedures have been updated to ensure clarity.



## **Dalmain Primary School Complaint Form**

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

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

**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?**

--

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

--

<b>Signature</b>	
<b>Date</b>	

<b>School use:</b>		
Date Form received		
Received by		
Date acknowledgement sent		
Acknowledgement sent by		
<b>Complaint referred to:</b>		
<b>Date:</b>		

## **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, Clerk to the Governing Body 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) in line with the conditions outlined in the main body of this Policy 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 any meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting if required
- notify all parties of the Panel's decision.

### **Panel Chair**

The Panel's chair should ensure that:

- both parties (complainant and defendant) are asked (via the Clerk) to provide any additional information relating to the complaint
- 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/defendant are given the opportunity to make their case and seek clarity, either through written submissions, including ahead of any 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 investigation 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 investigation should be to resolve the complaint and achieve reconciliation between the school and the complainant

It is recognised that the complainant might not be satisfied with the outcome if the investigation 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 any 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 any 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 a meeting that the Panel considers is not in the child/young person's best interests.

The welfare of the child/young person is paramount.