



CONCERNS OR COMPLAINTS PROCEDURE

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We work together to nurture an inclusive family of hard-working, respectful individuals who have a lifelong love of learning.

“Life in all its fullness” (John 10:10)

Everything we do is rooted in our belief that all human beings are loved and cared for by God

Contents

1	INTRODUCTION.....	3
2	WHO CAN MAKE A CONCERN OR COMPLAINT?	3
3	THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT	3
4	SCOPE OF THIS CONCERN OR COMPLAINTS PROCEDURE	3
5	RESOLVING CONCERNS OR COMPLAINTS.....	5
6	WITHDRAWAL OF A CONCERN OR COMPLAINT.....	5
7	ANONYMOUS CONCERNS OR COMPLAINTS	5
8	TIME SCALES	5
9	CONCERNS OR COMPLAINTS RECEIVED OUTSIDE OF TERM TIME.....	6
10	SOCIAL MEDIA	6
11	HOW TO RAISE A CONCERN OR MAKE A COMPLAINT	6
11.1	INFORMAL CONCERN PROCESS.....	7
11.2	FORMAL COMPLAINT PROCESS	7
11.2.1	<i>Stage 1</i>	7
11.2.2	<i>Stage 2</i>	8
11.2.3	<i>Department for Education Referral Process</i>	10
12	ROLES AND RESPONSIBILITIES	11
12.1	COMPLAINANT	11
12.2	INVESTIGATOR.....	11
12.3	COMPLAINTS CO-ORDINATOR.....	11
12.4	CLERK TO THE GOVERNING BODY.....	12
12.5	COMPLAINTS COMMITTEE CHAIR.....	12
12.6	COMMITTEE MEMBER.....	13
13	APPENDIX 1 - COMPLAINT FORM	15

1 Introduction

Embsay Primary School is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any concerns or complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

Unless concern or complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this concern or complaints procedure.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. For more information on our school’s provision for protecting our pupils, read our child protection and safeguarding policies.

2 Who can make a concern or complaint?

This concern or complaints policy is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a concern or complaint to Embsay Primary School about any provision of facilities or services that the school provides.

3 The difference between a concern and a complaint

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

A concern or complaint may be defined as *‘an expression of dissatisfaction however made, about actions taken or a lack of action’*. Concern or complaints should be specific and should include a hoped for outcome.

4 Scope of this Concern or Complaints Procedure

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

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with North Yorkshire LA.

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). Tel: 01609 532477</p>
Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>*concerns or complaints about the application of the behaviour policy can be made through the school's complaints procedure.</p> <p>Behaviour Policy</p>
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 concern or complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
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.
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 Embsay Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

5 Resolving concerns or complaints

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

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

6 Withdrawal of a concern or complaint

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

7 Anonymous concerns or complaints

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

8 Time scales

Concerns or complaints should be brought to the school's attention as soon as possible to enable a proper investigation to take place. A concern or complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider concerns or complaints made outside of this time frame if the Headteacher and/or Chair of Governors decide exceptional circumstances apply.

9 Concerns or complaints received outside of term time

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

10 Social Media

Information about the concern or complaint, during or after the process, should not be posted on social media. This is to protect pupils, staff, governors, and anyone else involved in the concern or complaint, or complaint process. The school reserves the right to ask parties involved to remove any such posts from social media accounts.

11 How to raise a concern or make a complaint

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

If you have a concern, it should be raised with either the class teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

If your complaint is about a member of staff (except the Headteacher), you should first address this to the Headteacher via the school office. Please mark it as Private and Confidential.

If your complaint is about or involves the Headteacher, you should address this to the Chair of Governors via the school office. Please mark it as Private and Confidential.

If your complaint is about the Chair of Governors, any individual governor, or the whole governing body, you should address this to the Clerk to the Governing Body via the school office. Please mark it as Private and Confidential

Complainants should not approach individual governors to raise concerns or concern or complaints. They have no power to act on an individual basis and it may also prevent them from considering concern or complaints at Stage 2 of the procedure.

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

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

11.1 Informal concern process

If you have a concern that you would like to take up with the school you should initially inform a member of staff, which in most cases will be your child's class teacher, either in person, over the telephone or in writing. You may then be invited to an informal meeting with the member of staff.

Parents are encouraged to approach staff with any concerns they may have, the aim being to resolve all issues with open dialogue and mutual understanding.

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

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

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently.

The school understands, however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally through the stages outlined within this procedure.

11.2 Formal complaint process

11.2.1 Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. Your complaint should provide enough detail to allow the Headteacher to investigate and respond to the complaint, including a hoped-for outcome.

The Headteacher will record the date the complaint is received and should acknowledge receipt of the complaint in writing within **5 school days**.

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

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

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

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

At the conclusion of the investigation, the Headteacher will provide a formal written response within **20 school days** of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take, or has taken, to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), a suitable governor will be appointed to complete all the actions at stage 1. Complaints about the Headteacher or a member of the Governing Body must be made to the Clerk of the Governing Body, via the school office.

If the complaint is:

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

then an independent investigator will be appointed by the Governing Body or the Diocese of Leeds. At the conclusion of their investigation, the independent investigator will provide a formal written response.

11.2.2 Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Governing Body's Complaints Committee. The committee will be formed of three impartial governors which may, where required, be selected from another school's Governing Body. Embsay Primary School's Stage 2 Complaints Committee support is provided by Cononley Primary School. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk of the Governing Body, via the school office, within **10 school days** of receipt of the Stage 1 response.

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

The Clerk will record the date the Stage 2 complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The Complaints Committee will decide whether to deal with the Stage 2 complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring one person along to provide support however this person should refrain from commenting during the meeting. This can be a relative or friend but the complainant must notify the Clerk in advance if they intend to bring someone. Generally, we do not encourage either party to bring legal representatives to the committee meeting, as these committees are not a form of legal proceedings. However, there may be occasions when legal representation is appropriate.

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

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

The Complaints Committee will consist of at least three impartial governors. If there are insufficient governors from Cononley School available, the Clerk will source additional governors through another local school or through their LA's Governor Service team, in order to make up the committee. Governors on the panel will have no prior involvement or knowledge of the concern or complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Concern or complaints Committee.

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

Representatives from the media are not permitted to attend.

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

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

Any written material will be circulated to all parties **at least 3 school days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The stage 2 meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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

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

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

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

The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within **10 school days**.

The response will detail any actions taken to investigate the complaint. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The letter to the complainant will include details of how to contact the Department for Education should they remain dissatisfied with the procedure.

11.2.3 Department for Education Referral Process

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the concern or complaint.

The complainant can refer their concern or 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.

12 Roles and Responsibilities

12.1 Complainant

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

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

12.2 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 concerns or 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 the Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

12.3 Complaints Co-ordinator

(this could be the Headteacher / designated complaints governor or other staff member providing administrative support)

The concern or 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 concerns or 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.

12.4 Clerk to the Governing Body

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

- ensure that all people involved in the concern or complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

12.5 Complaints Committee Chair

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

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

12.6 Committee Member

Committee members should be aware that:

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

Appendices

13 Appendix 1 - Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your concern or complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage? What is your hoped-for outcome?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Concern or complaint referred to:

Date:

