

# Heavers Farm and Selsdon Primary Schools Complaints Procedure

2022/23

## WHO CAN MAKE A COMPLAINT?

This complaints procedure is not limited to parents or carers of children that are registered at either Heavers Farm Primary School or Selsdon Primary School. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. Members of staff should use the separate employee complaints/grievance procedure.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure (*see 'Complaints not in scope of the Procedure' below*).

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

Our complaints procedure takes account of both concerns and complaints.

We aim to resolve all concerns and complaints at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and 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 Executive Headteacher or Governance Manager, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive Headteacher or Governance Manager will refer you to 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.

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

## HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

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

Concerns should be raised with the **adult most closely concerned** to clarify the facts and resolve through discussion. In most cases this will be the class teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Occasionally, you may have difficulty discussing a concern with a particular member of staff. In these cases, the school office will be able to refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the member of staff will refer you to another staff member.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints against school staff (except complaints about the Executive Headteacher in a personal capacity) should be made in the first instance to Susan Papas (the Executive Headteacher) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Executive Headteacher should be addressed to Graham Cluer (the Chair of Governors), via the Governance Manager [federationgovernancemanager@gmail.com](mailto:federationgovernancemanager@gmail.com) or via school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Liz Parry (the Governance Manager) [federationgovernancemanager@gmail.com](mailto:federationgovernancemanager@gmail.com) or via the school office. Please mark them as Private and Confidential.

If your complaint relates to the service provided by a third party on school premises, for example, an after-school club run by an outside agency, you should use the complaints procedure of the external provider and not this procedure. Contact details of outside providers can be obtained from the school office should you require them.

For ease of use, a template complaint form is included at the end of this procedure. 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 complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## ANONYMOUS COMPLAINTS

In principle, anonymous complaints will not be afforded credibility and will not be investigated though they will still be logged. Where there is a serious potential risk factor, for instance relating to safeguarding or other serious concerns, the Executive Headteacher and/or the Chair of Governors will review these to decide whether further investigation is required.

## TIME SCALES

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

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

## SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about any provision of community facilities or services by our schools, other than 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 Croydon  <a href="https://www.croydon.gov.uk/contact-us/online">https://www.croydon.gov.uk/contact-us/online</a>
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding <a href="mailto:LADO@croydon.gov.uk">LADO@croydon.gov.uk</a>  or Croydon's Single Point of Contact for Early Help and Children's Social Care <a href="mailto:childreferrals@croydon.gov.uk">childreferrals@croydon.gov.uk</a>
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .

	Complaints about the application of the behaviour policy can be made through the school's complaints procedure which can be found on our website.
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: <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>
Staff grievances	Complaints from staff will be dealt with under the school's internal complaints/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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Complaints against the Board of Governors' policies	This procedure is not designed to be used to challenge policy decisions made by the Board of Governors. If you wish to influence a decision they may make, or comment on a decision they have made, you may write to the Chair of Governors via the Governance Manager with your comments and these will be passed to all governors. It will be up to the Board of Governors to decide whether to debate the issue you refer to and, if so, what decision to make. There is no right of appeal against a decision made by the Board.

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 Heavers Farm Primary School or Selsdon Primary School or the Federation 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.

## RESOLVING COMPLAINTS

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

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

## WITHDRAWAL OF A COMPLAINT

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

## COMPLAINT STAGE 1 (informal)

Stage 1a. Informal
Expression of <b>concern</b> made to the school.
Your expression of concern should be made at the earliest opportunity.  First talk to the <b>adult most closely concerned</b> to clarify the facts and resolve through discussion. In most cases this will be the class teacher.  Your initial communication may be by letter, telephone conversation or in person by appointment. Where a letter is not provided by the parent/carer, the member of staff involved will keep a written record of the concern raised.

Stage 1b. Informal
Expression of <b>concern</b> made to the school.
Make an appointment to speak to another more <b>senior member of staff</b> to clarify the facts and resolve through discussion. If you are not sure who this person would be, then please telephone the school office and they will advise you.  If you are not satisfied with the outcome of these two meetings, then you may wish to make a formal complaint.

## COMPLAINT STAGE 2 (formal)

### Stage 2. Formal Complaint to the Executive Headteacher

#### Formal written complaint to the Executive Headteacher

Formal complaints must be made to the Executive Headteacher (unless they are about the Executive Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Executive Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **five school days**.

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

*Note: The Executive 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 Executive 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 their investigation, the Executive Headteacher will provide a formal written response within **20 school days of the date of receipt of the complaint**. If the Executive Headteacher is unable to meet this deadline, they will provide you with an update and a revised response date. In exceptional circumstances, where it may be necessary to reach a decision more quickly, the Chair of Governors may require the 20 day timescale to be shortened.

Once the Executive Headteacher is satisfied that the investigation into your complaint has been concluded and they have reached a decision on the issue(s) raised, the Executive Headteacher will write to you to inform you of:

- actions taken to investigate the complaint.
- a full explanation of the decision made and the reason(s) for it.
- any actions that will be taken as a result of your complaint (except in the case of any action taken against individual members of staff which would remain confidential).
- advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Executive Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Executive Headteacher or member of the governing body must be made to the Governance Manager, [federationgovernancemanager@gmail.com](mailto:federationgovernancemanager@gmail.com) or via the school office.

If the complaint is:

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

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### COMPLAINT STAGE 3 (Board of Governors)

#### Stage 3. Governing Board's Complaints Committee

##### Formal written complaint to the **Governing Board's Complaints Committee**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing board's complaints committee, which will be formed of the first three, impartial, governors available. **This is the final stage of the complaints procedure.**

A request to escalate to Stage 3 must be made to the Governance Manager, [federationgovernancemanager@gmail.com](mailto:federationgovernancemanager@gmail.com) or via the school office within **ten school days** of receipt of the Stage 2 response.

The Governance Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **three school days**.

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

Your complaint should include a statement stating how you would like resolve the issue.

Note that governors do not have a remit to become involved in the day to day management of the school. Therefore, governors are unlikely to be able to adjudicate on disputes between parents/carers or disputes concerning the treatment of individual pupils or their parents/carers.

The Governance Manager will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **twenty school days** of receipt of the Stage 3 request. If this is not possible, the Governance Manager will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates without good reason the Governance Manager 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 governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from our Federation available, the Governance Manager will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

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

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union representation.

*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 **seven school days** before the meeting, the Governance Manager 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 **five school days** before the meeting.

Any written material will be circulated to all parties at least **three 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 to be included. New complaints must be dealt with from Stage 1/2 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or 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 ten school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is:

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

Stage 3 will be heard by a committee of independent governors.

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 to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

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

## **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 Executive Headteacher or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Executive 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.

## **Governance Manager**

The Governance Manager is the contact point for the complainant and the committee and should:

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

## **Committee Chair**

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

- both parties are asked (via the Governance Manager) 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 procedure
- the meeting is minuted
- they liaise with the Governance Manager.

## 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 complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

## SERIAL AND PERSISTENT COMPLAINANTS

We are 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.

We define 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 be regarded as unreasonable when the person making the complaint:

- 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;
- 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;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- 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;
- seeks an unrealistic outcome;
- 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 or 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;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

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 Executive Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Executive Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact either of our schools causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our schools.

## Complaint Form

Please complete and return to Susan Papas (Executive Headteacher) or Liz Parry (the Governance Manager) [federationgovernancemanager@gmail.com](mailto:federationgovernancemanager@gmail.com) who will acknowledge receipt and explain what action will be taken.

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

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**