



**Buckshaw Primary School and Nursery**

Headteacher: Mrs S Price

# Procedure for the Handling of Complaints

June 2024

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<b>REVIEW DATE</b>	June 2025



*'Learning, believing and growing together.'*

## INTRODUCTION AND SCOPE

The policy of the school is to work in partnership with parents and the wider community. It is based on the belief that co-operation and a sense of joint purpose between staff, parents and the school will assist in ensuring open and positive relationships. From time to time, however, parents and members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the school, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor.

The school will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered. In considering concerns or complaints, the school will ensure that they are dealt with effectively and with fairness to all parties. Where possible complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "5(ii)" below will be followed.

## CONCERNS OR COMPLAINTS

The school and Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and an appeal stage if matters cannot be resolved.

Concerns or Complaints covered by this policy	Concerns or Complaints NOT covered by this policy
A concern or complaint is defined as an expression of dissatisfaction about the conduct/operation of the school	Concerns or complaints relating to any of the following are <b>not covered</b> by these procedures, as separate procedures apply.
The actions/lack of actions, or conduct of a member of staff/the Governing Body/an individual governor	<ul style="list-style-type: none"> <li>• Child Protection</li> <li>• Freedom of Information Access</li> <li>• Functions of the County Council</li> </ul>
Unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.	<ul style="list-style-type: none"> <li>• Pupil Exclusions</li> <li>• School Admissions</li> <li>• Services provided by other organisations on the school site or through the school</li> </ul>
	<ul style="list-style-type: none"> <li>• Staff grievance</li> <li>• Special Educational Needs assessment and statementing procedure</li> <li>• Whistleblowing by an employee</li> </ul>
	<ul style="list-style-type: none"> <li>• Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures</li> </ul>

## MAKING A COMPLAINT - WHO TO COMPLAIN TO

If a parent has a concern or complaint regarding their child's SEND needs, then they should speak to the class teacher in the first instance, then the SENCO. Should there be a need to complain about this issue further, then the parent should speak to the Headteacher.

If the complaint is about:	Contact:
Something that has happened during the working day, in class or the playground	Class teacher
If these 'day to day issues' have not been 'settled'	Relevant Key Stage Leader
Something that has happened or failed to happen in school	Headteacher
The actions of the Headteacher	Chair of Governors via the school
The actions of a governor	Chair of Governors via the school
The Chair of Governors	Clerk to Governors via the school
The actions of the governing body	Clerk to Governors via the school

Where complaints are made against an individual member of the school staff, that person will be informed of the complaint at the earliest opportunity.

## THE COMPLAINTS PROCEDURE

### Stage 1 - Informal stage

The school will seek to resolve concerns and complaints informally with the member of staff or governor concerned and encourage the complainant to discuss with them the matters causing them concern. However, if that does not resolve the problem then the matter should formally be brought to the attention of the Headteacher (complaints and concerns about governors should be made to the Chair of Governors). The Headteacher (or Chair of Governors) will then seek to resolve the matter informally by:

- Acknowledging the complaint;
- Making enquiries to establish the facts;
- Seeking advice as appropriate;
- Establishing whether or not the complainant is satisfied;

The Headteacher will advise the complainant of the next stages if they wish to proceed to a formal consideration of the complaint and make a brief note of the complaint and the outcome. A complainant wishing to proceed to the formal stage of the procedure should normally notify the Headteacher/Chair of Governors within 10 school days of being notified of the outcome of the informal stage.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5** school days. At the conclusion of their investigation, the headteacher will *aim to* provide a formal written response within **20** school days of the date of receipt of the complaint.

The informal stage will not be used if the allegations made refer to:

- financial or accounting irregularities;
- abuse of children.

### **Stage 2 – Formal Stage**

Where an informal complaint has not been resolved to the satisfaction of the complainant or the complainant has indicated they wish to go straight to the formal stage, a request must be made in writing via the school office, within **10 school** days of receipt of the Stage 1 response.

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

If the complaint concerns a member of staff (or governor) the staff member will be informed and provided with a copy of the complaint.

The Headteacher (or Chair of Governors as appropriate) will:

- Arrange for a full investigation of the complaint;
- Prepare a report as a result of the investigation and consider actions to be taken.

The school will aim to convene a meeting within **25 school** days of receipt of the Stage 2 request. If this is not possible, the School Business Manager will provide an anticipated date and keep the complainant informed.

The School Business Manager will write to the complainant to inform them of the date of the meeting.

At least **10 school** days before the meeting, the School Business Manager will request copies of any further written material to be submitted to the committee at least **7 school** days before the meeting.

Any written material will be circulated to all parties at least **5 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 Chair of the Committee will **aim to** provide the complainant and Buckshaw Primary School with a full explanation of their decision and the reason(s) for it, in writing, within **15 school** days.

### **Appeals stage**

The Complaints Appeals Committee of the Governing Body will consider complaints where the Headteacher (or Chair of Governors) has not been able to resolve the complaint to the satisfaction of the complainant and the complainant wishes to appeal. Any appeal must be made in writing to the Clerk to the Governing Body (the school will advise the complainant

of the contact details). The Committee will be convened by the Clerk to the Complaints Appeals Committee (Governing Body) and will:

- Consider the written materials
- Consider the complaint and the Headteacher's (or Chair's) action
- Invite the Headteacher or Chair of Governors (as appropriate) and the complainant to the meeting
- seek advice and support as necessary.

At the end of their consideration the Committee will:

- Determine whether to dismiss or uphold the appeal in whole or part, including, if appropriate, referring the matter back to the Headteacher/Chair of Governors for further consideration
- Where upheld, decide on appropriate action
- Advise the complainant and Headteacher of their decision
- Advise the complainant of any further action they could take if they remain dissatisfied.

The Clerk to the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the decision of the Complaints Appeals Committee and for the matter to be reported to the Governing Body. This stage would normally be expected to take no more than 20 school days. In cases where the matter has been referred for further consideration the Complaints Appeals Committee will be reconvened.

### **Further stages**

The complaints procedure does not include a further appeal to the Local Authority, but complainants who remain unsatisfied with the outcome may refer the complaint to the Secretary of State for Education. Parents may refer certain complaints to Ofsted/Her Majesty's Chief Inspector of Schools.

### **WITHDRAWAL OF A COMPLAINT**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

### **COMPLAINTS ABOUT A GOVERNOR, THE CHAIR OF GOVERNORS OR THE GOVERNING BODY**

Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Local Authority's Governor Services Team.

Any appeal against the Chair's response would be dealt with by the Complaints Appeals Committee.

Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of

the Governing Body. Clerks to Governors should seek advice from the Local Authority's Governor Services.

### **THE ROLE OF THE LOCAL AUTHORITY (LA)**

The Local Authority role is prescribed by legislation. There is no further right of appeal to the Local Authority.

In responding to complaints about schools the LA will explain to the complainant:

- That schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- The appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk as appropriate
- Source of potential assistance, if appropriate.

### **NEXT STAGES**

Anyone can complain to the Secretary of State for Education if he or she believes the governing body is acting "unreasonably" or is failing to carry out its statutory duties. However, intervention can only occur if the governing body or the LA has failed to carry out a legal duty or has acted "unreasonably" in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State for Education could instruct either party to do to put matters right.

The Education and Inspections Act 2006 allows a parent who remains unsatisfied with the outcome of certain complaints to refer the matter to Ofsted.

### **COMPLAINTS RECORD**

The school will maintain a written record of all formal complaints, how they were dealt with and the outcome in a complaints register.

### **SERIOUS ALLEGATIONS OR COMPLAINTS**

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the County Council.

If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the Senior HR Officer and/or Senior Schools Finance Officer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The Scheme for Financing Schools requires the appropriate local authority finance office to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Local Authority Designated Safeguarding Officer, Senior HR Officer and other agencies such as Children's Social Care. Serious allegations of this nature must be referred under Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".

In all the above, consideration needs to be given to the possible suspension\* from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (e.g. Disciplinary) may be involved.

*\* Note: Suspension is a neutral act and is not a disciplinary sanction*

## COMPLAINTS NOT IN SCOPE OF THIS PROCEDURE

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldisciplineexclusions/exclusions">www.gov.uk/schooldisciplineexclusions/exclusions</a>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<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. They should be contacted direct.

## VEXATIOUS COMPLAINTS

The school will, however, resist abuse of the complaints procedure and may reserve the right not to investigate complaints considered to be vexatious or malicious or where the Headteacher or Chair of Governors is satisfied with the action that the school has already taken or proposes to take to resolve the complaint.

## **USE OF SOCIAL MEDIA**

Whilst the school accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are **not** entitled to use social media to defame or harass individual staff or governors.

## **FURTHER COMPLAINTS**

After closing a complaint, should the school receive a duplicate complaint, (e.g. from a spouse; partner, a grandparent, child etc), about the same subject the school will inform the new complainant that the school has already considered that complaint and the local process is complete.

The complainant can contact the Department for Education (DfE) if they are dissatisfied with the school's handling of the original complaint.

However, if there are any new aspects to the complaint, the school will investigate and deal with this under the complaints procedure.

If the original 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.

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 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  
School Complaints Unit  
Piccadilly Gate, Store Street  
Manchester. M1 2WD