



**Complaints Policy**  
**Darrington CE Primary School**

## **Introduction**

Darrington CE Primary School takes complaints seriously and we want to use these as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint if it is required.

## **Aim**

- To provide a fair and accessible complaints process which is easy for everyone to use.

## **Objectives**

- To ensure that there is an opportunity for complaints to be resolved informally without the need to escalate the formal process.
- To ensure that all informal complaints are dealt with seriously.
- To ensure that everyone within the organisation knows how the complaints process works and what to do if a complaint is received.
- To ensure that any complaints received are fully investigated fairly and objectively, in an impartial and timely manner.

## **What is the difference between a complaint and a safeguarding concern**

There is a difference between a complaint and a concern about something in school. In the first instance, we need to establish which of these categories it falls into and we will do this by establishing factual information.

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 defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

## **Safeguarding concerns**

Safeguarding concerns and allegations are taken extremely seriously by the school. In the first instance, you can contact a member of the schools Safeguarding Team to discuss or raise your concern. The Senior Designated Safeguarding Lead (DSL) will establish factual information and decide if the concern or allegation meets the threshold for Child Protection action.

If anyone working in the school, including supply teachers and volunteers has;

- Behaved in a way that has harmed a child or may have harmed a child,
- Possibly committed a criminal offence against or relating to a child,
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children or
- Behaved or may have behaved in a way that indicated they may not be suitable to work with children.

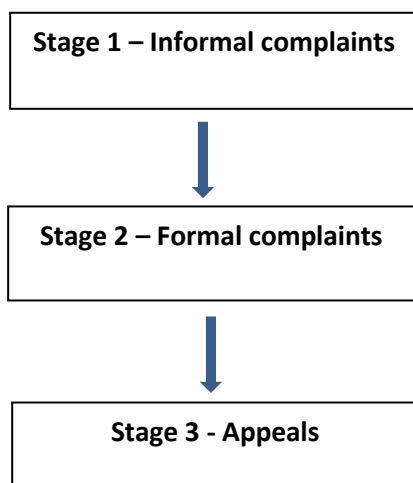
This is a safeguarding allegation rather than a complaint and must be reported to the LADO (Local Authority Designated Officer) within one working day and part 4 of Keeping Children Safe in Education must be followed.

## Complaint

Our complaints procedure will be followed where a pupil or parent raises a concern about poor practice towards a pupil that initially does not reach the threshold for child protection action. Poor practice examples include unfairly singling out a pupil, belittling a pupil or discriminating against them in some way. Complaints are managed by senior staff, the Headteacher and Governors.

## The complaints process

This process is set out into three stages and aims to be easy to use at all stages.



### Stage 1 – Informal Complaints

The aim at this stage is to resolve a concern or complaint through informal contact at the appropriate level within school. At this stage the complaint will not be recorded as an official formal complaint unless the complainant specifically requests this. Any concerns or issues should be raised with the relevant member of staff in the first instance such as a teacher, member of the Senior Leadership team or the Headteacher. If appropriate, the Headteacher may delegate the complaint to another relevant member of staff to deal with it informally.

Upon a complaint being received either by telephone or in person, the person receiving the complaint will;

- Record the name, address and relationship to the school of the complainant (parent/visitor)
- Record the facts of the complaint in an impartial way
- Ask for clarity of the facts but not enter into a discussion regarding these at this stage
- Ask the complainant what they would like as a resolution

If the complainant indicates that they would have difficulty with that member of staff then an alternative member of staff will be sought.

Informal complaints directly addressed to the Chair of Governors, or trustees will be referred to the Headteacher in the first instance. However if the complaint has already been taken up with the Headteacher and is still unresolved, or the complaint is about the Headteacher then the complaint must be then made in writing either addressed to the school for the attention of the Chair of Governors or [admin@darringtonschool.org.uk](mailto:admin@darringtonschool.org.uk)

If the complaint or issue could affect the general school policy then the Headteacher in agreement with the Chair of Governors may feel it is appropriate to bring the issue to the Governing body meeting. All names will be kept anonymous to ensure that the identity of the complainant is not disclosed should the complaint subsequently enter into the formal process.

An informal complaint at this stage should take no more than **five working days** (excluding school holidays) within which time we will attempt a resolution.

Possible outcomes at this stage will be as expected;

- The complaint is resolved to the satisfaction of the complainant
- The complaint is not resolved to the satisfaction of the complainant
- The complaint is to be dealt with under another procedure

## **Stage 2 – Formal Complaints**

A formal complaint will be when either the complainant or school have been unable to reach a satisfactory outcome at the informal stage. The Headteacher will acknowledge receipt of a written complaint within **three working days** and should take no more than **10 working days** to ensure the complaint is fully investigated. This may include delegating the responsibility for information gathering to another member of staff as appropriate. A meeting or telephone call may be requested by the Headteacher/Chair of Governors with the complainant to assist with the investigation in clarifying the facts/issues. Recordings of telephone conversations and/or meetings is **strictly not permitted** without the consent and permission of both parties.

If the complaint is regarding the Headteacher then this should be made clear in the initial written complaint and addressed to the chair of Governors. The complainant should then communicate with the Chair of Governors for the duration of the investigation. If the complaint is regarding the Chair of Governors, then the Headteacher will approach a Trustee of the school and the Trustee will take the place of the Chair at this stage for the duration of the complaint.

Once the investigation is complete, the Headteacher/Chair of Governors will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to a satisfactory outcome for both the complainant and school.

The Headteacher/Chair of Governors will decide on the outcome of the complaint based on all the available evidence and inform the complainant of the outcome in writing. This should also include details of how the complainant can appeal if they remain dissatisfied. A meeting may also be arranged to convey the reason for the decision.

If the complaint involves taking disciplinary action against a member of staff, this will be dealt with through the schools formal HR procedures. The schools disciplinary procedures require that all the details of the proceedings are to remain confidential and consequently the complainant will not therefore be informed of the outcome of these proceedings.

If the complainant is not satisfied with the outcome and response to the complaint, they have the right to a panel hearing consisting of at least three people who have not been directly involved in matters detailed in the complaint.

### Stage 3 - Appeals

If a complainant remains dissatisfied and wishes to appeal against the decision made at stage 2, they have the right to request an appeal. This request must be made in writing to the school within **20 working days of the date the outcome is received at stage 2**. This should be clearly addressed to the Chair of Governors in writing stating the intention of requesting an appeal. If the complaint is regarding the Chair of Governors, a Trustee will take the place of the Chair for this stage of the procedure.

The Chair of Governors has the option to resolve informally at this stage with the result that the complaint withdraws the complaint.

If this is not possible the Chair of Governors will convene an appeal hearing panel from the Governing body members. If the original complaint relates to the Headteacher or Chair of Governors, the Trustees will form an appeals panel.

The appeals panel will be convened within **15 working days** from the date of receipt of the request for an appeals hearing. If no dates are suitable to the complainant within this timescale, the panel may meet outside this period of time at a mutually agreeable date and time. The timescale for this is a maximum of 20 working days from the date of the receipt of the request. Notice of the meeting will be made in writing at least 5 days in advance of the appeal panel date.

The appeal panel will comprise of one member who is independent of the management and running of the school, and at least two Governors, one of whom will act as the chair of the Appeal panel for the hearing. The panel **MUST NOT** include any of the following;

- Chair of Governing body
- Employee of the school
- Any person who has had any prior involvement in the complaint, or matters detailed in the complaint

The purpose of the Appeals panel is to ensure that the formal process at stage 2 was followed correctly. Accordingly the respondent will be the person who made the decision at stage 2.

The complainant may be accompanied by a relative, colleague or friend. If they are accompanied they must make their own arrangements for this to happen. The representative may ask questions, confer with the complainant, or make summary statements but they are not permitted to answer any questions on behalf of the complainant.

The Chair of the Appeals Panel will ensure that the purpose and remit of the panel meeting is explained fully and ensure both parties have the opportunity to put forward their case without interruption. The Chair will ensure all members present are respectful and courteous of others and that questions are asked by both parties. The Panel Hearing will only address relevant issues and key facts which relate to the complainant, new or additional complaints will not be heard at this stage. Any written material must be seen by all parties in advance of the meeting and any new issues be given adequate time for consideration by the other party.

#### Procedure of Appeal Panel

- Introductions by the Chair along with an overview.
- The complainant should explain the complaint and questions from the committee are asked

- Any witnesses to support the complainant will give evidence and answer questions from the committee.
- The respondent will explain the outcome of the formal complaint along with any preceding informal action and answer questions from the committee.
- Any witnesses to support the respondent will give evidence and answer questions from the committee.
- The complainant sums up.
- The respondent sums up.
- All persons other than the Panel Committee members will leave the room to allow the committee to discuss their findings.
- The complainant and respondent are informed of the decision within 5 working days and within the letter it will detail a description of actions taken to investigate the complaint, conclusion, and any action taken including learning points or recommendations if any.

The panel will make recommendations from their findings and a copy of those recommendations and findings will be provided to the complainant, and where relevant the person who the complaint has been raised about. A copy will also be available for inspection on the school premises by the proprietor and the Headteacher.

The decision of the Appeal Panel will be final and the same complaint will not be considered by school again.

Complaints records will be stored securely on the school server.

If the complainant remains dissatisfied and feels that their complaint was not handled correctly, they can contact the Education Funding Agency and complete their online form. The Education Funding Agency will not overturn the School's decision regarding a complaint however if they feel that the school did not deal with the complaint properly they can request that the complaint is looked at again from an appropriate stage.

### **Serial and Persistent Complainants**

We understand that there may be times when a complainant remains dissatisfied despite going through all stages of this complaints procedure.

If a complainant tries to re-open a complaint which has previously exhausted the complaints process then the Chair of Governors has the right to inform them that the complaint will not be considered again unless there is substantial evidence which may have an impact on the original outcome. If this is the case then the complaint can be entered into the complaints procedure at the appropriate stage as a new complaint. If once the complaint is entered into the process at any stage and is the same complaint as before then the Chair of Governors has the right to refuse the complaint giving the reason that it is the same complaint and has already exhausted the process.

If a complainant continues to contact the school regarding the same issue then they may be deemed as 'persistent or serial complainant'.

The school will define unreasonable complainants as;

- those who frequently complain regarding the same issue despite exhausting the complaints procedure

- those who refuse to accept the outcome of a complaint
- those who refuse to engage with the complaints process yet still wish for their complaint to be resolved
- those who insist on the complaint being dealt with outside the scope of the complaints process
- those who repeatedly makes the same complaint
- those who make excessive demands on the school time by frequent, lengthy complicated and stressful contact with staff members regarding the complaint either in person, in writing or by email while the complaint is being dealt with
- those who make unjustified comments about staff despite them trying to help
- those who are malicious, aggressive, threatening or use any form of intimidation or discrimination towards staff
- those who might publish unacceptable information on any social media platform

If possible the Chair of Governors/Headteacher will speak informally to the complainant before marking them as unreasonable.

If the behaviour continues the Chair of Governors/Headteacher will write to them explaining that their behaviour is unreasonable and ask them to change it. If this does not improve and the unreasonable behaviour continues causing significant disruption to the school then the school may specify methods of communication and limit these. This will be reviewed every 6 months.

### **Vexatious complaints**

There may be on occasions where complaints behave in an unreasonable manner when raising or pursuing concerns. The effect of this can see a negative impact of the day to day running of the school, and either directly or indirectly impact the well being of the overall school or individuals. Examples of this may be but is not limited to;

- Complaints which are obsessive, persistent, harassing, prolific, repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.
- Complaints which are designed to cause disruption or annoyance.
- Demands for redress that lack any serious purpose or value.

In the first instance, school will inform the complainant that their behaviour is now considered vexatious or unreasonable under this policy. If the complainant continues to display this behaviour, then the school may seek to obtain consent from Governors for the following;

- All meetings are held with a second person (school staff) in attendance and notes taken in the interests of all parties
- All routine communication should be letter only addressed to the school office except in the case of an emergency
- consider a ban from school premises whilst making arrangements for the pupil to be collected from the school gate and dismissed in the same way.
- Consider seeking appropriate advice relating to anti-harassment legislation.

If the complainants behaviour is modified and is then resumed at a later date within a reasonable period of time, then the school may resume the process as detailed above whilst obtaining legal/HR advice.

## **Barring from School Premises**

Any incidents of violence, threats, or abusive behaviour towards any member of staff will not be tolerated and will be immediately reported to the police. This may include the Chair of Governors/Headteacher banning an individual from school.

Although schools are a public function for educating children, the school and its grounds are private places and as such the public has no automatic right of entry. The school will therefore strive to ensure that it remains a safe place for its staff and pupils.

If a parent's behaviour becomes a cause for concern the school can ask the parent/adult to leave the school premises. In serious cases the Headteacher/Chair of Governors can notify them in writing that they must not enter the school premises until further notice and they will then have the opportunity to formally express their views relating to the barring.

The decision to bar a person will then be reviewed by the Headteacher and Chair of Governors and a decision made to confirm or lift the bar. This decision will be communicated to the person in writing with a timescale if the bar is confirmed.

Any parent wishing to complain about their barring can do so by following the complaints procedure.

## **Whistleblowing**

Darrington CE Primary School has a separate Whistleblowing policy which can be found on our website and copies available upon request.

## **Storage of Information and Personal Data**

We will keep a written record any formal complaints that are resolved following a formal procedure or proceed to a panel hearing, including any action taken by school as a result of these complaints regardless of whether the complaint was upheld and keep a hard copy file in a secure location. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of state or a body conducting an inspection under section 109 of the 2008 Act requests to access to them. Following the closure of a complaint, all relevant documents will be scanned and electronically stored for the duration of the time the child of the complainant remains at Darrington CE Primary School. Following the child leaving the school the complaint will be archived until the child's 18<sup>th</sup> birthday and then confidentially destroyed. A record of all formal complaints and decisions will be stored by the school office and checked annually.



<b>Policy title</b>	Complaints Policy
<b>Monitoring and review</b>	Reviewed March 2023
<b>Links</b>	Safeguarding Policy, Communications Policy
<b>Staff responsible</b>	Headteacher/School Business Manager
<b>Committee responsible</b>	Headteacher/Governing Body
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