



# Complaints Policy and Procedure

Owner:	Headteacher
Date Ratified:	7 <sup>th</sup> December 2022
Ratified by:	Full Governing Body
Date Policy to be reviewed:	December 2025



## Complaints Policy and Procedure

The aim of Claycots School is to be a high achieving school at the heart of the community where children and staff learn effectively and everyone is valued as an individual, treated fairly and with respect. This involves providing access and opportunities for all pupils without discrimination of any kind.

We aim to embed our school values in all that we do at Claycots. The Complaints Policy and Procedure has been written with these values in mind:

- Integrity
- Kindness
- Respect
- Curiosity

### Aims and Purpose of the policy

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

**We try to resolve concerns or complaints by informal means wherever possible.**

Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.



## 1. Legislation and Guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 2. Definitions and Scope

### Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible.
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

### Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally (Stage 2). This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessment of Special Educational Needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- School re-organisation proposals
- Curriculum
- Collective worship

Please see our separate policies for procedures relating to these types of complaint.



### 3. Roles and Responsibilities for Formal Complaints

#### 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

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties keeping notes
- Consider records and any written evidence and keep these securely
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

#### Complaints coordinator

This could be the Headteacher/designated complaints governor or other staff member providing administrative support.

The complaints coordinator should:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the Headteacher, Chair of Governors, Clerk and local authorities (if appropriate)
- be aware of issues relating to:
  - sharing third party information;
  - additional support needed by complainants, for example, interpretation support or where the complainant is a child or young person
- Keep records

#### Clerk to the Governing Body

The Clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing



## **Committee Chair**

The Committee's Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee and are allowed to present their case

### **4. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

### **5. Timescales**

Complainants must raise the formal or informal 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 and if the complaint can still be investigated in a fair manner for all involved.

If at any point we cannot meet the timescales set out in this policy we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

### **6. 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.

### **7. Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing



[enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis

## **8. How to raise a concern or make an Informal Complaint – The Informal Stage (Stage 1)**

A concern can be made in person, in writing or by telephone. The majority of concerns can be dealt with without resorting to the Formal Complaints Stage. This process is referred to as making an Informal Complaint or raising a concern. (The Informal Stage)

The complainant should start by sharing their concern with the Class Teacher. In a large school like Claycots, this is usually the best and quickest way of resolving issues. In some cases, the Class Teacher may feel it more appropriate to refer the Complainant the Year Leader. If the complainant is unsure of who to contact or how to contact them, they should contact the school office [enquiries@claycots.com](mailto:enquiries@claycots.com) or by calling 01753 521215 (Britwell) or 01753 531415 (Town Hall).

The purpose of the initial meeting should be to establish the nature of the concern and to seek a resolution to the problem. It is good practice for the Class Teacher or more senior member of staff to make a brief written record of the concerns raised and any actions agreed. They may need to talk to others before they can respond to you. The Complainant should be given a timescale for a response usually within 5 working days.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Informal complaints made against the Headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the headteacher or 1 member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1.

## **9. Stage of Formal Complaints Procedure (Stage 2)**

Where possible, it is expected that the complainant follow the Informal Complaint Procedures outlined in Section 5. If the complainant feels dissatisfied with the outcome of discussions with the Class Teacher or more senior Staff Member, they must then put their complaint in writing using the Complaint Form outlined in Section 18.

It is also helpful if the Complainant can set out what resolution they are seeking. This needs to be documented on the Complaint Form.



Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. 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.

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. The Headteacher will ascertain whether the complainant has exhausted the informal procedures first and may, where appropriate refer the complainant to the informal procedure to ensure that where possible the resolution requested can be resolved without needing to proceed further with the formal stage or a meeting with the Headteacher. Once the nature of the complaint has been established, the headteacher or another delegated staff member will decide whether an investigation is the most appropriate action.

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 their investigation, the Headteacher will provide a formal written response within 15 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 Claycots Primary School will take 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 2. If the complaint is about the 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 Headteacher or member of the Governing Body must be made to the Clerk, 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, stage 2 will be considered by an independent investigator appointed by the Governing Body. At the conclusion of its investigation, the independent investigator will provide a formal written response.

### **10. Stage of Complaints Procedure (Stage 3)**

If the complainant is dissatisfied with the outcome at stage 1 and 2 and wishes to take the matter further, they can escalate the complaint to stage 3 – a meeting with members of the Governing



Body'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 Clerk, via the school office, within 5 school days of receipt of the stage 1 and 2 responses.

The Clerk 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.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the stage 3 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 governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide among themselves who will act as the chair of the complaints committee. If there are fewer than three Governors from Claycots Primary School available, the Clerk will source any additional, independent governors through another local school or through their local authority's governor services team, in order to make up the 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 its decision it 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.

Representatives from the media are not permitted to attend.

At least 5 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 2 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 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 Claycots Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days. The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by Claycots Primary School.

If the complaint is jointly about the Chair and Vice Chair or the entire Governing Body or the majority of the Governing Body, 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 Claycots Primary School will take to resolve the complaint.

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

## **11. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

Complaints Policy & Procedure

Date Ratified:



We will include this information in the outcome letter to complainants.

## 12. Unreasonably Persistent Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

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

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

### Stopping responding

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

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.



In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **13. Duplicate Complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **14. Complaint Campaigns**

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### **15. Record keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and retention schedule.



The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## **16. Learning lessons**

The governor complaints panel will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **17. Monitoring arrangements**

The governor complaints panel will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governor complaints panel will track the number and nature of complaints, and review underlying issues as stated in section 16.

This policy will be reviewed by the headteacher every 3 years.

At each review, the policy will be approved by the full governing body.

## **18. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices



## 19. Complaint Form

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

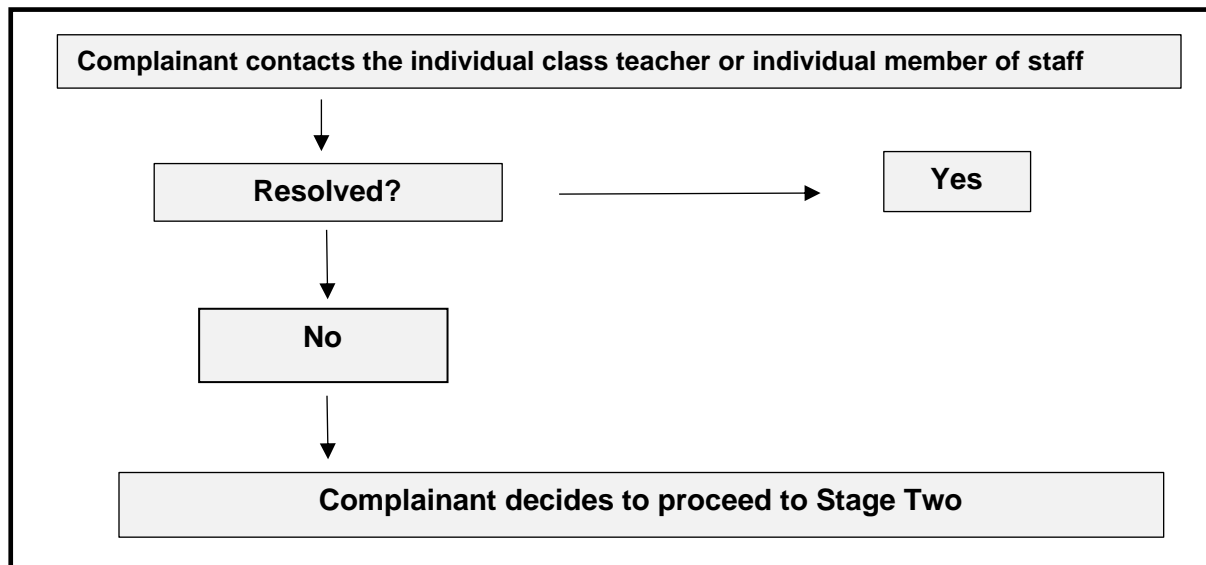
<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official Use</b>
<b>Date of acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

Appendix 1

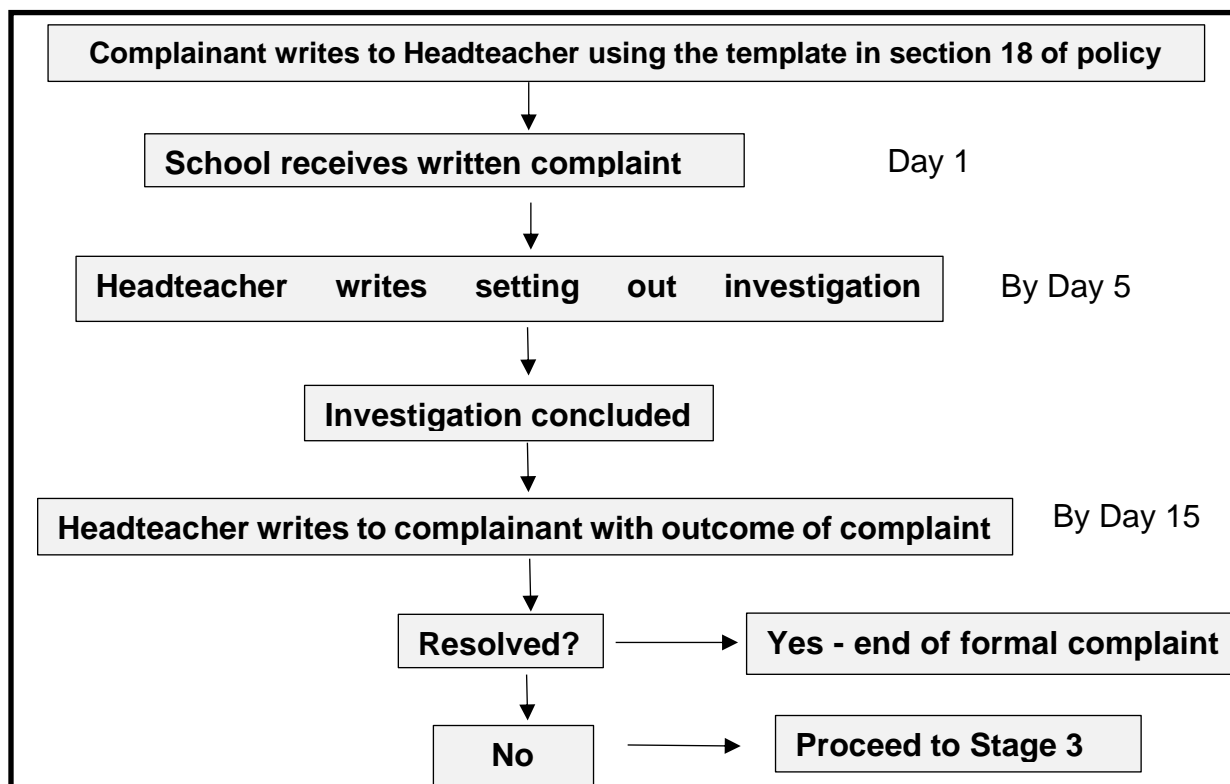
Complaints' Procedure Flow Chart for Parents and Staff

**Stage One- Informal Stage**

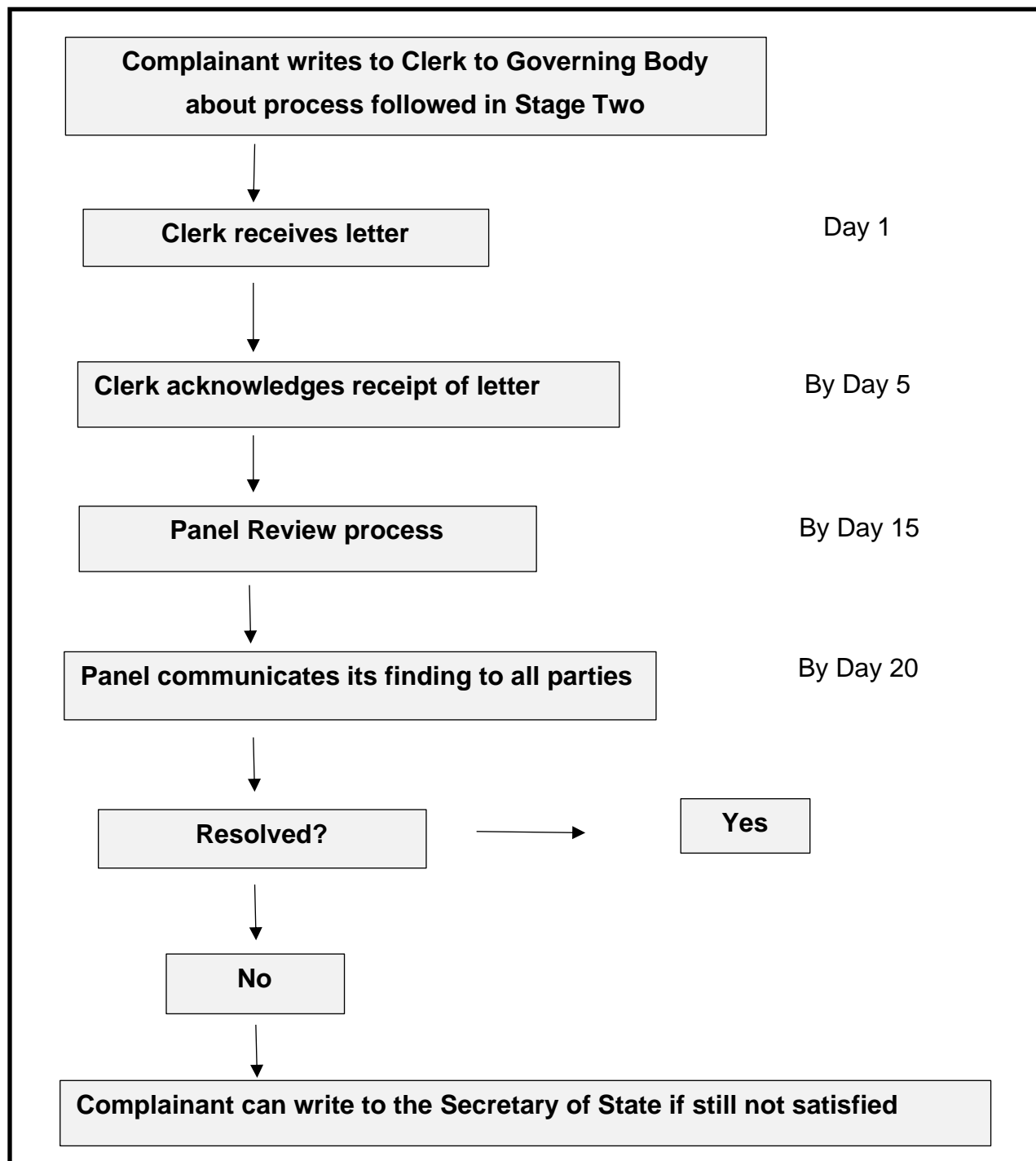
The expectation for all parents is to start here.



**Stage Two – Formal Stage**



### Stage Three Governors Review Panel



Note: If the complaint is about the actions of the Headteacher then the Chair of Governors carries out the Headteacher's roles as indicated above or in the flow chart diagram.