



Templemoor Infant and Nursery School

Complaints Procedure

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Templemoor Infant and Nursery School Complaints Procedure

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Aims

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
- 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.

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 'Best Practice Guidance for Schools Complaints Procedures 2020' from the Department for Education (DfE).

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.

Definitions and Scope

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Templemoor Infant and Nursery School about any provision of facilities or services that we provide.

The difference between a concern and a complaint

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

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. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

Exceptions	Who to contact
<ul style="list-style-type: none">Admissions to schoolsSchool re-organisation proposals	Concerns about admissions or school re-organisation proposals should be raised with Trafford Local Authority Democratic Services. Telephone: 0161 912 2798
<ul style="list-style-type: none">Statutory assessments of Special Educational Needs	Concerns about the statutory assessments of Special Educational Needs should be raised with Trafford Parent and Young People Partnership Service (PYPPS). Telephone: 0161 912 3150
<ul style="list-style-type: none">Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact Anita Hopkins, the local authority designated officer (LADO) who has local responsibility for safeguarding or Trafford Children's First Response Team. Telephone: LADO: 0161 912 5125 First Response: 0161 912 5125
<ul style="list-style-type: none">Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the Behaviour Policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none">Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . 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.
<ul style="list-style-type: none">Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none">Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.
<ul style="list-style-type: none"> National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Headteacher; they will then be referred to this complaints procedure. Our SEN Policy and SEN Information Report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child. These documents can be found on our school website.

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

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.

Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

Stages of Complaint (not complaints against the headteacher or governors)

Resolving complaints

At each stage in the procedure, Templemoor Infant and Nursery School wants 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.

Stage 1: Informal Complaints

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Headteacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage.

Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The first member of staff contacted should clarify the nature of the concern and re-assure the complainant that the school wants to hear about it. If the member of staff can resolve the concern immediately they should do so. They should then record the enquiry and any agreements made, and notify the Headteacher.

The school will respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

If the member of staff can't resolve the concern, they will make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. It would also be useful to record what sort of outcome the complainant is looking for. The member of staff will then refer the complaint to the Headteacher, or Deputy Headteacher. The Headteacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures e.g. safeguarding or personnel.

The staff member dealing with the concern should make sure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of pupils, parents and staff.

The complainant should receive a response as soon as possible, and within a maximum of 10 school days. At this stage the response may be given verbally or in writing.

Where the first approach is made to a governor, the governor should refer the complainant to the appropriate person and advise them about the complaints procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at an early stage in case they are needed to sit on a panel at a later stage.

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

Stage 2: Formal Complaints

Formal complaints can be raised to the Headteacher:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant, as long as they have appropriate consent to do so.

If the complainant is made verbally a written record of the complaint must be made and checked with the complainant using the 'Complaints Form' on page 15.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

The complaint must be acknowledged within 3 working days. The acknowledgement should include a summary of the complaints procedure and a target date for providing a response. This should be within 10 working days. If this date cannot be met, the complainant must be contacted and given a reason for the delay and a revised target date.

The Headteacher may wish to contact the complainant and provide an opportunity for the complainant to discuss their concerns and find solutions. This could be by phone or in a meeting. It must be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment. Interpreting services should also be made available where necessary. The Headteacher may find it useful to have another member of staff present to observe and record the meeting. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Headteacher will make whatever enquiries they consider necessary to ascertain the facts, conclude whether actions were reasonable and decide on the response.

It is important that the Headteacher investigates complaints thoroughly and objectively. If they feel unable to do this (e.g. if they have been directly involved in the decision-making process that led to the complaint) they will delegate responsibility for investigating the complaint to another member of the Senior Leadership Team. The Headteacher (or designated person) will keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Headteacher will provide a written response to the complainant. This will include a full explanation of decisions taken and the reasons for them. Where appropriate, it will include details of actions the school will take to resolve the complaint. The complainant will be provided with details of how to contact the Governing Body if they are not satisfied with the response.

Stage 3: Submit the complaint to the Complaints Appeal Panel

If the complaint remains unresolved following the response of the Headteacher, the complainant must write to the Clerk to the Governing Body within 3 school days giving details of the complaint and asking that it is put before the appeal panel. The clerk to the governing board can be contacted:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant, as long as they have appropriate consent to do so.

The Chair (or Clerk on behalf of the Chair) will convene the complaints appeal panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions. Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel.

The Complaints Appeal Panel will be constituted by Governors subject to availability and impartiality. The Panel will have delegated powers to; hear complaints; set out its terms of reference and procedures; hear individual appeals; make recommendations on policy as a result of complaints. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.

The remit of the Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

1. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances

surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and be sensitive to the issues of race, gender and religious affiliation.

2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
3. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
4. The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.
5. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
6. The governors sitting on the panel need to be aware of the complaints procedure and their roles and responsibilities seeking advice where necessary from the Clerk.

The role of the Clerk

Any panel or group of governors considering complaints must be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- While it may be appropriate to offer a selection of dates, panel meetings can proceed in the absence of a complainant if no mutual date is agreed. The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.
- collate any written material and send it to the parties in advance of the hearing (at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings by taking discursive minutes;
- notify all parties of the panel's decision.

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed or challenged.

The role of the Chair of the Governing Body or the nominated governor

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;

- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's decision

The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher. The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); within 5 school days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

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 School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints procedure and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

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

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

Complaints against the Headteacher, a governor or the governing board

Complaints made against the Headteacher should be directed to the Chair of Governors.

Where a complaint is against the Chair of Governors, any member of the governing board, or the entire governing board, it should be made in writing to the Clerk to the Governing Board in the first instance.

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, co-opted 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.

Unreasonably Persistent Complaints

Templemoor Infant and Nursery School is 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 our 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.

Templemoor Infant and Nursery School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 the school.

Anonymous Complaints

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

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

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

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 General 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 Record 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.

Learning Lessons

The Resources and Safety Committee 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.

Monitoring Complaints

The Resources and Safety Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 10.

This policy will be reviewed by the Resources and Safety Committee every 3 years.
At each review, the policy will be approved by the full governing body.

Links with other Policies

Policies dealing with other forms of complaints include:

- Child protection and Safeguarding Policy and procedures
- Admissions policy
- Exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report
- Privacy notices

COMPLAINT FORM

Please complete and return to (Name) (*either Headteacher / Clerk / designated governor - delete as appropriate*) who will acknowledge receipt and explain what action will be taken.

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