

# HADLEIGH INFANT & NURSERY SCHOOL



## Concerns and Complaints Policy

**2022 - 2023**

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<b>Other contributors</b>	<b>EPHA/ECC</b>
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<b>Other paperwork attached</b>	<b>-</b>

### Version History Log for this document

<b>Version</b>	<b>Date Published</b>	<b>Details of key changes from previous version</b>
<b>1</b>	January 2021	New policy was created which superseded all previous versions
<b>2</b>	October 2022	Changes to governors and staff

## Roles within the school

The table below outlines the names of staff who complete the roles outlined in this policy. If you would like to know how to contact anyone on this list, please contact the school's main office.

<b>Chair of Governors</b>	<b>Mrs. L. Wyatt</b>
<b>Head Teacher</b>	<b>Mrs. D. Glanville</b>
<b>Assitant Head Teachers</b>	<b>Miss. K. Ryan</b> <b>Mrs. K Strickland</b>
<b>Year Group Leader</b>	<b>Mrs. D. Glanville (Nursery)</b> <b>Miss. K. Ryan (Reception)</b> <b>Miss. K. Johnston (Year 1)</b> <b>Mrs. K Strickland (Year 2)</b>
<b>Pastoral Leader</b>	<b>Mrs. P. Burls</b>

## 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 Hadleigh Infants and Nursery School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## 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'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Hadleigh Infants and Nursery School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

## **How to raise a concern or make a complaint**

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

Concerns should be raised with either the class teacher or Year Group Leader then the Assistant Head Teacher then the Head Teacher. If the issue remains unresolved, the next step is to make a formal complaint.

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

If you have difficulty discussing a concern with a particular member of staff, please discuss your concerns with the Head Teacher. In these instances, the Head Teacher will allocate a member of staff to deal with the concern. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

Formal written complaints against school staff (except the Head Teacher) should be made in the first instance, to the Head Teacher via the school office. Please mark them as Private and Confidential.

Written complaints that involve or are about the Head Teacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Written complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

If you require help in completing a written complaint, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **Anonymous complaints**

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

## **Time scales**

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

## Complaints received outside of term time

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

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services Hadleigh Infants and Nursery School other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Essex County Council.
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). The LADO can be contacted using: 03330 139 797
<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/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  *complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please refer to our Behaviour and Anti-Bullying Policy on the school website.
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  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"><li>• Staff grievances</li></ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Hadleigh Infants and Nursery School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, Hadleigh Infants 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.

## How we manage serial and unreasonable complaints

Hadleigh Infants 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.

Hadleigh Infants 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 Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Hadleigh Infants and Nursery 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 Hadleigh Infants and Nursery School.

## **How does the staged approach work?**

The staged approach is designed to ensure that every effort is made to deal with complaints informally at school level in partnership with the complainant. The formal stages should only be triggered in exceptional circumstances.

### **Stage 1 (Raising Concerns)**

Stage 1 is an informal stage where concerns can be shared. In the case of a **concern being raised by a parent** the teacher will receive the first approach. If the complainant is unhappy with the outcome after the discussion with the teacher, they can request to meet with the Year Group Leader then the Assistant Head Teacher then the Head Teacher. The complainant will be seen by the appropriate member of staff to discuss the matter further, no later than 3 working days after the request was made.

We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed and will confirm this verbally or in writing to you.

We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.

We will discuss with you, depending on the need, (normally within ten working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.

The majority of issues should be resolved at this stage; however, if you are still dissatisfied following this Stage 1 process, your concern will become a formal complaint.

### **Stage 2 (Raising a Complaint)**

Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher), via the school office. This can be done in person, by telephone or in writing. The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

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

***Note: The Head Teacher may delegate the investigation to another member of the school's senior leadership team or pastoral leader but not the decision to be taken.***

During the investigation, the Head Teacher (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 Head Teacher will provide a formal written response within ten school days of the date of receipt of the complaint. If the Head Teacher 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 Hadleigh Infants and Nursery School will take to resolve the complaint. The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1 and 2.

If the complaint is about the Head Teacher, 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 Head Teacher 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 Members Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **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 ten school days of receipt of the Stage 2 response. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five 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 twenty 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 amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Hadleigh Infants and Nursery School available, the Clerk will



source any additional Trustees in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

***Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.***

At least five 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 three school days before the meeting.

Any written material will be circulated to all parties at least two 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 leaders at Hadleigh Infants and Nursery School with a full explanation of their decision and the reason(s) for it, in writing, within ten school days.

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

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 Hadleigh Infants and Nursery School will take to resolve the complaint.

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

## **Next Steps**

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Hadleigh Infants and Nursery School. They will consider whether Hadleigh Infants and Nursery 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

Piccadilly Gate

Store Street

Manchester

M1 2WD.

## **Concern or complaint made by a member of the public**

In the case of a concern or complaint made by a member of the public, Mrs. J. Reader or Mrs K. Hutchinson-Khupe should be first point of contact. A decision will then be made as to which member of staff is best placed to deal with the concern or complaint.

## **Reviewing the procedure**

The Concerns and Complaints Policy will be reviewed every two years, taking into account the latest guidance issued by the DfE and ECC.

Responsibility for reviewing the procedure belongs to a committee of the Governing Body, an individual governor or the Head Teacher. Once changes are made the Head Teacher will present the policy to the Full Governing body for approval.

Information gathered through reviewing the Concerns and Complaints Policy will be used to continuously improve and develop the process.