**Fairburn Community Primary School**

**Complaints Procedure**

**Background**

The Education Act 2002 requires Governing Boards of schools to have a procedure to deal with complaints about the school and any facilities or services that the school provides. The procedure must also be publicised.

From 31 July 2012 under section 45 of the Education Act 2011, the duty on Local Authorities to consider complaints about the curriculum, sex education and religious worship in maintained schools was removed.

Also, from 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the local authority should now be addressed to the Secretary of State for Education.

This document sets out the procedure that Fairburn Community Primary School will follow to investigate any concerns or complaints that are made against it.

**General principles:**

* The procedure is intended to allow you to raise a concern or complaint relating to the school or the services that it provides.
* **ANONYMOUS COMPLAINTS**: An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances
* **TIME SCALES**: To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Any matter raised more than three months after the event being complained of will not be considered.
* **COMPLAINTS 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. 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.

## **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by Fairburn Community Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

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| **Exceptions** | **Who to contact** |
| * Admissions to schools * Statutory assessments of Special Educational Needs * School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with NYCC Local Education Authority. |
| * Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding 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). <insert LADO/MASH details>. |
| * Exclusion of children from school\* | Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).  *\*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.* |
| * 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 whistle blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: [www.education.gov.uk/contactus](http://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. |
| * Staff grievances | Complaints from staff will be dealt with under the school’s internal grievance procedures. |
| * 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. |
| * Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| * National Curriculum - content | Please contact the Department for Education at:  [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) |

A summary of the process in place follows the order of events as listed below.

Informal Stage

Formal Stage

The Head teacher investigates the complaint/ if about the Head teacher, the Chair of Governors investigates

The Governing Body reviews the process that has been followed if the complainant is dissatisfied after the Head Teacher’s investigation

If the complainant still remains dissatisfied after receiving the Governing Body’s response, the matter can be referred to the Secretary of State

**Raising a Concern or a Complaint**

## What is 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. We take concerns seriously and we will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, please discuss this with the Head teacher, Emma Cornhill who will either refer you to another senior staff member or deal with the concern herself.

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

**Informal stage**

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at the informal stage.

**Formal stage- Stage 1**

If your concern or complaint is not resolved at the informal stage, you may choose to put the complaint in writing and pass it to the head teacher, who will be responsible for ensuring it is investigated appropriately.

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 2 of the procedure.

Complaints against school staff (except the head teacher) should be made in the first instance, to Emma Cornhillvia the school office***.*** Please mark them as Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to Eamonn Mohans, the Chair of Governors, via the school office. Please mark them as Private and Confidential.

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

For ease of use, a template complaint form is included at the end of this procedure. (Appendix A) If you require help in completing the form, please contact the school office.

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.

It is very important that you **include a clear statement of the actions you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.**

Pass the completed form, in a sealed envelope, to the school office. The envelope should be addressed to the head teacher or clerk to the governing body, as appropriate. The head teacher (or chair) may invite you to a meeting to clarify your concerns and explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the head teacher (or chair).

If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case, you should learn in writing, usually within five days of the school receiving your formal complaint of how the school intends to proceed. This notification should include an indication of the anticipated timescale. The Head teacher will record the date that the complaint was received.

Any investigation will begin as soon as possible, and when it has been concluded, you will be informed, in writing, of its conclusion. The head teacher 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 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.
* 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 Fairburn School will take to resolve the complaint.
* 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 1.

**Review process by thee Governing Body- Stage 2**

If you are dissatisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school in handling the complaint. This is the final stage of the complaints procedure. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome and include a statement specifying any perceived failures to follow the procedure. The procedure described below will then be followed. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing either by letter or email.

Any review of the process followed by the school will be conducted by a panel of three members of the governing body. This will usually take place within 10 school days of receipt of your request. The Clerk will write to the complainant to inform them of the date of the meeting. 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 review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

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 Fairburn School available, the Clerk will source any additional, independent governors through another local school or through their LA’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 2.

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.

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.

*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.*

Representatives from the media are not permitted to attend.

At least 8 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 3 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 1 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 Fairburn School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

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 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 Fairburn School will take to resolve the complaint.

If you still feel dissatisfied, you will need to refer the matter to the Secretary of State using the details as listed below. Please note however, that The Secretary of State’s powers are delegated to the school complaints unit (SCU). The SCU will only consider cases where the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances. If however, it decides that a school has not followed its published procedures, it has the power to direct that the process is re-visited.

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| Telephone | 0370 000 2288 |
| Online | [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) |
| Letter | DFE, School Complaints Unit, Second Floor, Piccadilly Gate, Store Street, Manchester. M1 2WD |

## **Appendix A- Complaint Form**

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

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| **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:** |

## 

## **Roles and Responsibilities**

### **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**

The investigator’s role is to establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint through:

* sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
* interviewing staff and children/young people and other people relevant to the complaint consideration of records and other relevant information
* analysing information
* liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

* conduct interviews with an open mind and be prepared to persist in the questioning
* keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
* ensure that any papers produced during the investigation are kept securely pending any appeal
* be mindful of the timescales to respond
* 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.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

* ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
* set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
* collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
* record the proceedings
* circulate the minutes of the meeting
* notify all parties of the committee’s decision.

### **Committee Chair**

The committee’s chair, who is nominated in advance of the complaint meeting, should ensure that:

* both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
* the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
* complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
* the remit of the committee is explained to the complainant
* written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual’s rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

* both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
* the issues are addressed
* key findings of fact are made
* the committee is open-minded and acts independently
* no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
* the meeting is minuted
* they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Committee Member**

Committee members should be aware that:

* the meeting must be independent and impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
* the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
* many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
* extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
* Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
* The committee should respect the views of the child/young person and give them equal consideration to those of adults.
* If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person’s parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
* However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person’s best interests.
* the welfare of the child/young person is paramount.