

Complaints policy and procedure

Adopted: 2020-2021

Next review: annually

This policy applies to the three schools in Sphere Federation.

*It is based on the model Leeds City Council Complaints Policy and Procedure, as set out in **Dealing with complaints about schools: a practical toolkit for headteachers and governors** (revised, May 2020).*

This policy statement sets out our approach to dealing with the concerns and complaints of parents / carers and others. (In this policy, 'parents' refers to parents, carers and others who may have concerns and complaints.)

Department for Education guidance sets out a distinction:

"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'."

<https://www.gov.uk/government/publications/school-complaints-procedures>

Policy

At Scholes (Elmet) Primary, St James' CE Primary and Moortown Primary School, we value good home-school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

We welcome feedback on what parents feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.

We will treat all concerns and complaints seriously and courteously and will advise parents of the schools' procedures for dealing with their concerns. In return, we expect parents to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.

All school staff and members of the governing body will receive a copy of this policy and will be familiar with the schools' procedures for dealing with parental concerns and complaints. The policy is on the school website and available to parents on request.

The schools' procedures will be reviewed regularly and updated as necessary.

Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.

Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint once all the stages of the school's procedures have been exhausted, if this appears to be appropriate.

The government and the local authority (LA) advocate resolution of parental concerns and complaints at school level wherever possible, in the interests of maintaining good home-school relations. The role of the LA in advising parents and schools on the handling of concerns and complaints is set out below.

Procedure

At each stage in the procedure outlined below, we want 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

The majority of concerns and complaints are handled under the following general procedures.

To ensure you receive an effective response to your complaint, it will be helpful if you:

- co-operate with the school in seeking a solution to the complaint;
- express the complaint in full as early as possible – complaints must be raised within three months of an incident occurring;
- communicate what you think might resolve the issue at the earliest stage;
- respond promptly to request for information or meetings or in agreeing the details of the complaint;
- ask for assistance if needed; and
- treat all those involved in the complaint with respect.

If you have a complaint, please use the Recording Form, below or ask for one at the school office.

We will aim to accommodate communication preferences / needs.

The procedure is divided into three stages:

- **The informal stage** aims to resolve the concern through informal contact at the appropriate level in school.
- **Stage one** is the first formal stage at which written complaints are considered by the investigating officer (in most circumstances, this is the Head of School (or the Head of Federation if the complaint relates directly to the Head of School) or a designated governor, who has special responsibility for dealing with complaints.
- **Stage two** is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

Recordings (audio or video) will not be accepted at any stage without the prior knowledge and agreement of all concerned.

How each of these stages operates is explained below. (Very occasionally, exceptional circumstances (eg national lockdown due to Covid-19) may mean we are unable to adhere to the timescales. If this is the case, we will advise you of updated timescales and the reason for the delay.)

Informal stage – your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. In most circumstances, the first point of contact should be your child's teacher.
2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
4. If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within ten school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage one - formal consideration of your complaint

This stage in our procedures applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the Head of School. If, however, your complaint concerns the Head of School specifically, it should be sent to the school marked 'for the attention of the Head of Federation'. If your complaint concerns the Head of Federation, it should be sent to the school marked 'for the attention of the Chair of Governors'. If your complaint concerns a governor, it should be sent to the school marked 'for the attention of the clerk to the Governing Body'.
2. 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.
3. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three school days.
4. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
5. We will enclose a copy of these procedures with the acknowledgement.
6. The complaint will be investigated by an investigating officer. This will be a senior member of staff or a governor if the complaint concerns the Head of Federation. The governor will usually be the governor with allocated responsibility for dealing with complaints but may from time to time be another member of the governing body (including the Chair of Governors).
7. Normally we would expect to respond in full within 15 school days but if this is not possible, we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
8. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
9. The investigating officer may also be accompanied by a suitable person if they wish.
10. Following the meeting, the investigating officer will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
11. If the complaint directly involves a pupil, his/her parent/carer will be contacted and, if interviewed, we will try to ensure that a parent/carer is present. In some cases, this might not be possible due to the urgency of the matter and a member of staff with whom the child feels comfortable, for example, a learning mentor, will attend the interview.
12. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
13. The investigating officer will keep written / typed, dated records of all meetings and telephone conversations, and other related documentation.
14. With regards to meetings with you or other witnesses, accurate notes will be agreed by both / all parties.
15. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the investigating officer's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
16. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below. If you wish to move your complaint to stage two, you should contact us within **10 school days** of receiving our response.

Stage two - consideration by a governors appeal panel

If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a governors' appeal panel. This is a formal process, and the ultimate recourse at school level.

The purpose of this arrangement is to give you the chance to present your views in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

However, the aim of the panel is not to re-investigate the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations, where necessary, which will reassure you that we have taken the complaint seriously.

The governors' appeal panel operates according to the following formal procedures:

1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 school days** of receiving your request.

2. The investigating officer will be asked to prepare a pack of the documentation related to the investigation and the stage one outcome. The panel can request additional information from other sources if necessary.
3. You will be informed in writing, at least **five school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.
4. We will try and arrange the meeting around your availability whilst taking into account all attendees' circumstances. However, if after being offered three separate dates, you cannot agree to attend, it may be that the meeting will be held in your absence but with written submissions from all parties.
5. With the notification, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting.
6. The notification will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. It is not recommended that legal representatives attend: this is not a legal process. 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.
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.
8. Representatives from the media are not permitted to attend.
9. In exceptional circumstances, and if it is necessary in the interests of ratifying the investigative process, the investigating officer may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
10. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
11. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
12. The chair of the panel will ensure that the meeting is properly minuted. You will receive the written outcome of the panel meeting with the panel's decision. You may also request a copy of the minutes and should make this request at the start of the panel's proceedings.
13. Electronic recording of the meeting is not permitted without the consent of all attendees and only in special circumstances where there are communication difficulties. Agreement must be sought from the chair before the date of the meeting. Any recordings remain private and further sharing is subject to restrictions under the Data Protection Act 2018 and General Data Protection Regulations (EU) 2016/679 (GDPR).
14. During the meeting, you can expect there to be opportunities for:
 - the panel to hear you explain your case and your argument for why it should be heard at stage two;
 - the panel to hear the investigating officer's case in response;
 - you to raise questions via the chair;
 - you to be questioned by the investigating officer through the chair;
 - the panel members to be able to question you and the investigating officer; and
 - you and the investigating officer to make a final statement.
15. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the Head of School / Head of Federation **within three school days**. All participants other than the panel and the clerk will then leave.
16. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision to uphold / dismiss the complaint in whole or in part;
 - decide on the appropriate action to be taken, if necessary; and
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
17. The clerk / chair of the panel will send you and the Head of School / Head of Federation a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education.
18. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

19. If the complaint is jointly about the Chair and Vice Chair; or the complaint is about the entire governing body; or the complaint is about the majority of the governing body, then Stage 2 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 we will take to resolve the complaint.

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

Closure of complaints

Very occasionally, a school will feel that it needs, regrettably, to close a complaint where the complainant is still dissatisfied.

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the school – to the Head of School / Head of Federation, designated governor, Chair of Governors or anyone else – or to the local authority, this can be extremely time-consuming and can detract from our responsibility to look after the interests of **all** the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process. The local authority will support us in this position, and especially where the complainant's action is causing distress to staff and/or pupils.

Where you have been through the school's internal complaints procedures and are still unhappy with the outcome or decision from the governing body, you can contact the Secretary of State for Education via the DfE website: www.education.gov.uk, by telephoning 0370 000 2288 or by writing to the address below:
School Complaints Unit (SCU), Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

We would advise parents that, unless the school is shown to have behaved unreasonably or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the local authority or the Secretary of State.

Record keeping

We 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 may also include copies of letters and emails, and notes relating to meetings and phone calls.

This material is treated as confidential and held centrally, and is 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 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 are kept securely, only for as long as necessary and in line with data protection law.

Other sources of information and advice

If your concern is about an aspect of special educational needs / disabilities (SEND) provision, which might include information about relevant voluntary organisations and support groups in Leeds, you might like to talk to Leeds SEND Information Advice Service (Leeds Special Educational Needs and Disability Advice Support Service) on their helpline: 0113 3951222.

Appendix: Policy for managing serial and unreasonable complaints

We are 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 the 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.

Scholes (Elmet) Primary, St James' CE Primary and Moortown Primary define unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be regarded as unreasonable when a related party (e.g. spouse / partner / grandparent / child) submits the same, or essentially the same, complaint.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats or intimidation;
- using abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; or
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 of School / Head of Federation or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head of School / Head of Federation will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Scholes (Elmet) Primary, St James' CE Primary or Moortown Primary causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from Sphere Federation schools.

Appendix: Complaints which are subject to statutory procedures

The complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** outlined below, for which there are separate (statutory) procedures. Contact us if you would like more specific information.

Exceptions	Who to contact
Admissions to schools	Concerns should be raised directly with local authorities. For school admissions, it will depend on who is the admission authority (either the school or the local authority). Complaints about admission appeals for maintained schools are dealt with by the Local Government and Social Care Ombudsman
Statutory assessments of Special Educational Needs (SEN)	Contact Leeds City Council special educational needs service: 0113 3785 256
School re-organisation proposals	Contact Leeds City Council educ.school.organisation@leeds.gov.uk
Matters likely to require a child protection investigation	If you have a concern as a practitioner please call the Social Care Duty & Advice team: 0113 376 0336 (9am to 5pm) or the Emergency Duty team on 0113 240 9536 (out of office hours)
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: http://www.gov.uk/school-discipline-exclusions/exclusions
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
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.
Complaints regarding requests for term time absence	These requests are entirely at the headteacher's discretion. Therefore, they do not come under the remit of the complaints procedure.

The Head of Federation will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the local authority on any such issues either by contacting the appropriate service manager or customer relations on 0113 37 85111.

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint, the complaints procedure may need to be suspended until the statutory procedure has been concluded.

If a complainant commences legal action against a Sphere Federation 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.



Scholes (Elmet) Primary | St James' CE Primary | Moortown Primary

School complaint: recording form

Personal details:

Name:	
Relationship to school: (eg parent, neighbour)	
Address: (inc postcode)	
Email:	
Daytime telephone:	
Evening telephone:	
Name of child(ren) and year group(s): (if applicable)	

Please give details of your complaint:

What action, if any, have you already taken to try to resolve your complaint?
Who did you speak with? When? What was the response?

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What actions do you feel might resolve the problem at this stage?

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Signature:	
Date:	

Official use:

Date of acknowledgement:	
By whom:	
Complaint referred to:	
Date:	