



Elm Grove Primary School

School Complaints Procedure

Review frequency: Every 3 years

Approval level agreed by the full governing board: Full governing board

Approval date of this procedure: 04.03.20

Next approval date: 04.03.23



**Brighton & Hove
City Council**

Introduction

It is in everyone's interest that concerns and complaints are resolved as quickly as possible.

We welcome any feedback that helps us improve and all issues will be dealt with fairly and sensitively. When possible, we will aim to resolve issues informally (see 'how to raise a concern' on page 4).

If you need to make a formal complaint, please follow the stages of the complaints procedure carefully to ensure it is dealt with fairly and in accordance with timescales (see pages 6 to 10). **Please do not approach individual governors** to raise concerns or complaints. They have no power to act on an individual basis, and it may prevent them from considering complaints at Stage 2 of the procedure.

Before continuing with this procedure, please refer to page 3, which outlines the complaints that are dealt with under different statutory procedures.

Complaints that do not fall under this Complaints Procedure

Type of complaint	Who to contact
Matters likely to require a Child Protection Investigation	Complaints about child protection and safeguarding matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have immediate concerns that a child has suffered, or is at risk of suffering <i>significant</i> harm please contact Front Door for Families: Tel 01273 290400 (office hours) or 01273 335905 (out of office hours). https://www.brighton-hove.gov.uk/frontdoorforfamilies The local authority designated officer (LADO) is Darrel Clews: Tel 01273 295643.
Admissions to schools	School Admissions Team (local authority): Tel 01273 293653 SchoolAdmissions@brighton-hove.gov.uk in the first instance, who will advise on the correct procedure to follow.
Exclusion of children from school*	Access to Education Team (local authority): Tel 01273 293480 attendanceteam@brighton-hove.gov.uk https://new.brighton-hove.gov.uk/schools-and-learning/absent-school/what-happens-if-your-child-excluded-school *However, complaints about the application of the behaviour policy https://www.elmgrove.brighton-hove.sch.uk/wp-content/uploads/2019/02/Elm-Grove-Behaviour-Policy-2019.pdf can be made through the school's complaints procedure.
Statutory assessments of SEN	Special Educational Needs Team (local authority): Tel 01273 293552 sen.team@brighton-hove.gov.uk
Complaints about other providers who may use the school premises or facilities	Providers should have their own complaints procedure to deal with complaints about the service. Please contact them direct or ask the school office for their contact details.
Staff grievances, capability or conduct	The school's internal personnel procedures will be used. You are not entitled to participate in proceedings or receive any detail about the outcome, but you will be informed that the matter is being addressed.
Subject Access Requests and Freedom of Information requests	Refer to the school's Data Protection Policy and Freedom of Information policy.
Whistleblowing (for serious wrongdoing that cannot be covered by other procedures)	Refer to the school's whistleblowing procedure, which can be used by members of staff and the general public. For those who do not wish to raise matters direct with the school, referrals can be made to the Department of Education: www.education.gov.uk/contactus
National Curriculum - content	Contact the Department for Education: www.education.gov.uk/contactus

The school policies referred to above can be found on the school website, or you can ask for a copy from the school office. There is further information about different types of complaints at <https://www.gov.uk/complain-about-school>.

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’.
(Ref: DfE Model Complaints Procedure for Schools 2019)

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing (email, letter or complaint form) or by telephone. It may also be made by a third party acting on your behalf, as long as they have appropriate consent to do so.

If you wish to raise a concern, ie seeking reassurance about a particular issue, your first point of contact is usually your child’s class teacher. If you have difficulty discussing a concern with a particular member of staff, please contact the headteacher, who will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, they may refer you to another staff member, who may be more senior but does not have to be. The ability to consider the concern objectively and impartially is important, so you could be referred to a school governor. However, that governor cannot then be involved if the concern progresses into a formal complaint. You should expect to receive a written acknowledgement within five school working days and a full response within 15 school working days of receiving the concern.

If you wish to make a formal complaint, you should follow the stages outlined in this procedure (pages 6 to 9). It is helpful if you complete the complaint form at the end of this procedure (Appendix 2) as it ensures the school has all the necessary details about the complaint. However, you may also raise your complaint in person or by telephone, in which case the person you raise the complaint with will complete the form.

Accessibility

In accordance with equality law, we will consider making reasonable adjustments to enable complainants to access and complete this complaints procedure, eg providing information in alternative formats, helping to complete the form or holding meetings in accessible locations. Please contact the school office if you require any assistance.

Who can make a complaint?

Any person, including members of the public, can make a complaint about any provision of facilities or services we provide. This complaints procedure is not limited to parents or carers of children that are registered at the school. However, please check the list on page 3 first to ensure the complaint is not covered by a different procedure.

Anonymous complaints

We will not normally investigate anonymous complaints. The headteacher and/or chair of governors will determine whether the complaint warrants an investigation. Please note that any complaints about child protection matters are handled under our child protection and safeguarding policy – see page 3.

Timescales

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 timeframe if exceptional circumstances apply.

If complaints are made outside of term time or over a weekend, we will record the day received as the first school day back after that time.

If other public bodies are investigating aspects of the complaint (eg the police, safeguarding teams or a tribunal), 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 legal action has been taken against the school in relation to the complaint, we may suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

Elm Grove Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible, by offering an empathetic response, an explanation of events or, if appropriate, a recognition that the situation could have been handled differently or better. If this is the case, we will explain any steps that will be taken to help ensure it will not happen again, with an indication of the timescales within which any changes will be made.

Withdrawal of a complaint

If you wish to withdraw a complaint, please confirm this in writing to the headteacher, via email or letter to the school office.

Governing board review of complaints

The governing board will ensure any specific actions for resolution of complaints are completed. In addition to this, at the end of each academic year, the governing board will receive an annual report from the headteacher that outlines the general nature of complaints that year (anonymised). Any learning from complaints can be used to inform the review of the complaints procedure and also other procedures and policies within the school.

Stages of the formal Complaints Procedure

Stage 1: Investigation

If you wish to complain about actions taken or a lack of action taken by the school, you should raise a formal complaint with the headteacher (unless the complaint is about the headteacher or governing board – see below), via the school office. This may be done in person, in writing (preferably on the complaint form at the end of this procedure), or by telephone. You should make it clear that you are raising a formal complaint under the school's complaints procedure.

The headteacher will acknowledge receipt of the complaint in writing (by letter or email) within five school working days. Within this response, the headteacher will seek to clarify the nature of the complaint and what outcome you would like to see. The response will outline who will be investigating the complaint and the date you can expect a response by.

The headteacher will then investigate the complaint or they may delegate the investigation to another member of the school's senior leadership team (but not the decision to be taken). During the investigation, the headteacher (or investigator) may:

- meet with you if there is any clarification needed about your complaint or the outcome required
- interview those involved in the matter and/or those complained of (allowing them to be accompanied if they wish)

They will keep a written record of any meetings/interviews in relation to their investigation.

After the investigation, the headteacher will provide a formal written response within 15 school working days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide you 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 the school will take to resolve the complaint. The response will include an explanation of how to escalate your complaint if you are dissatisfied with the outcome.

If the complaint is about the headteacher or a member of the governing board, the chair of governors will complete all the actions at Stage 1. Such complaints must be made via the clerk to governors, annajohnson@elmgrove.brighton-hove.sch.uk

If the complaint is about the chair of governors, a suitably skilled governor will complete all the actions at Stage 1. Such complaints must be made via the clerk to governors, annajohnson@elmgrove.brighton-hove.sch.uk

If the complaint is about more than one governor or the entire governing board, an independent investigator will be appointed. Such complaints must be made via the clerk to governors annajohnson@elmgrove.brighton-hove.sch.uk who will contact the local authority's Governance Development Team for advice. At the end of their investigation, the independent investigator will provide a formal written response.

You 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.

Stage 2: Governors' Panel

If you are dissatisfied with the outcome at Stage 1, you can appeal this by requesting a hearing with the governing board's complaints panel. The request must be made to the clerk to governors, annajohnson@elmgrove.brighton-hove.sch.uk within 20 school working days of receipt of the Stage 1 response. Requests received outside of this time frame will only be considered in exceptional circumstances. 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 working days.

The complaints panel will consist of three governors with no prior involvement or knowledge of the complaint and who do not have a vested interest in the outcomes of the proceedings. If there are fewer than three governors from the school available, the clerk will source any additional, independent governors from another local school or their partnership. An entirely independent panel will be convened if the complaint is against one or more members of the governing board.

The clerk will contact the governors' panel, the headteacher and you to find a mutually convenient date and time for the hearing. A member of the senior leadership team (SLT) may represent the headteacher at the hearing. The clerk will also check with all parties about any access requirements. The hearing should be set within 15 school working days of receiving the complaint. If the timescales cannot be adhered to then the clerk will explain the reasons why and keep you informed.

Once the date has been set, the clerk will write to all parties, confirming the following:

- Date, time and venue of the hearing
- Aims and objectives of the hearing and how it will be conducted
- The agenda for the hearing
- A request for any documentation either party wishes the panel to consider – the clerk will identify a deadline date that will give them enough time to send all documents to all parties at least five school working days before the hearing
- Clarification about who can accompany both parties – if the attendance of any pupils under the age of 18 is required, parental permission must be sought
- A request for the details of any witnesses or representatives and their role in the hearing, so that all parties can prepare appropriately, access requirements can be checked and the length of the hearing can be estimated
- How and when the panel will reach their decision

In order to achieve an outcome within acceptable timescales, every effort should be made to adhere to the confirmed hearing date. Only in exceptional circumstances will the arrangements be changed and if necessary the panel may decide to go ahead with the hearing using only written submissions from both parties.

You may bring someone along to provide support, who can be a relative or friend. Ideally, neither party should feel the need to be represented by lawyers, as the purpose of the hearing is to consider the complaint and wherever possible, work towards a resolution. It is not a form of judicial process and the presence of lawyers can work against the spirit of openness and problem-solving. However, there may be occasions when it is appropriate. For example, if a school employee is called as a witness, they may wish to be supported by union or legal representation. Representatives from the media are not permitted to attend.

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 to

electronic recordings must be sought from all parties attending before all meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The hearing will be held in private. The clerk will welcome all parties, ensuring there is appropriate separate waiting space. Both parties must enter the hearing at the same time. Although the panel will follow formal procedures, the chair will conduct the meeting as informally as possible, making sure all parties feel at ease and treat each other with respect and courtesy. Extra care will need to be taken if a child or young person is present.

1. The chair of the panel will introduce everyone and explain that they are there to review the complaint with the aim of reaching a resolution for the complainant and the school. (Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.)
2. The chair of the panel will give the complainant the opportunity to put their case forward without undue interruption. The complainant may bring in any witnesses or representatives to give supporting information.
3. The panel and the headteacher (or SLT member) have the opportunity to ask any questions to establish facts and further their understanding. This is not an opportunity for cross examination.
4. The chair of the panel will then give the headteacher (or SLT member) the opportunity to put their case forward without undue interruption. The headteacher (or SLT member) may bring in any witnesses or representatives to give supporting information.
5. The panel and the complainant have the opportunity to ask any questions and clarify any points.
6. The complainant will then be invited to sum up their complaint.
7. The headteacher (or SLT member) will then be invited to sum up the school's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time.

Once the complainant and the headteacher (or SLT member) have withdrawn, the panel will deliberate and come to a decision whether:

- any fault was found (ie complaint upheld in whole or in part)
- no faults were found (ie complaint not upheld)

If the complaint is upheld in whole or in part, the panel 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 decision will be communicated in writing to all parties within five school working days. If it is not possible to meet this deadline, the panel chair will contact both parties with a revised date.

Next step

If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their

duties under education law, you can contact the Department for Education after completing Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint. You can refer your complaint to the Department for Education via an online form at <https://www.gov.uk/contact-dfe>.

Alternatively you can write to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel 0370 000 2288

Summary of procedure & timescales

	Who to contact	Timescale to receive response*
Raising a concern (informally) – ie seeking reassurance about an issue	Contact the class teacher or form tutor, who may be able to address your concern straight away or will arrange a meeting to discuss the matter with you at a mutually convenient time. If this person is not appropriate, you may contact the headteacher, who will refer you to another member of staff to deal with your concern.	Written acknowledgement within five school working days and full response within 15 school working days of receiving the concern.
Formal complaint: Stage 1 (investigation)	Contact the headteacher, who will investigate your complaint. They may delegate the investigation to another member of the school's senior leadership team, but the headteacher will provide the response. If the complaint is about the headteacher or the governing board, contact the clerk to governors who will direct your complaint to the most appropriate person to carry out the investigation (see page 6).	Written acknowledgement within five school working days and full response within 15 school working days of receiving the complaint.
Formal complaint: Stage 2 (governors' panel)	If you are not satisfied with the response at Stage 1, you can appeal the outcome by requesting that a panel of governors hear the complaint. Contact the clerk to governors within 20 school working days of receiving the Stage 1 response and the clerk will arrange the hearing.	Written acknowledgement within five school working days. Hearing will be arranged for within 15 school working days of receiving the complaint. Decision to be sent in writing within five school working days of the hearing.
Next step: Department for Education	If you remain dissatisfied, you can contact the Department for Education via https://www.gov.uk/contact-dfe .	

*If it is not possible to meet the timescales above, then you will be contacted to discuss reviewing these

Roles and Responsibilities

The complainant will receive a more effective response 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/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

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, who has been involved and what they feel would put things right
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information

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
- 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 panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems

The clerk to governors is the contact point for the complainant and the panel and should:

- organise the hearing as set out in the Stage 2 procedure
- collate any written material relevant to the complaint and send it to all parties at the same time, at least five school working days before the hearing
- record the proceedings as a full account of what was said, especially responses to questions (draft version may need to be referred to during deliberations)
- send the typed version to the full panel for checking
- circulate agreed minutes to all present (these are to be kept confidential) – should their accuracy be disputed, the query will be attached to the agreed minutes
- notify all parties of the panel's decision within five school working days of the date of the hearing
- file papers appropriately, disposing of additional copies securely

The chair of the panel (one of the panel members must agree to act in this role) should ensure that:

- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is conducted in an informal manner, is not adversarial, and that 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 a child or young person is in attendance
- the remit of the panel 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 Data Protection Act 2018 or

General Data Protection Regulation (GDPR) – if a new issue arises, the panel will consider whether or not to accept the new information and if so, a short adjournment of the meeting may be required to review this

- the agenda and the processes for the hearing are followed (as set out on page 8)
- the panel is open-minded and acts independently
- the governing board is informed of the outcome of the complaint (not the details, which remain confidential), and should ensure that recommendations are being actioned, eg policy updates, staff training etc

Panel 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 panel 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
- 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
- the welfare of children and young people is paramount so extra care needs to be taken when a child/young person is present during all or part of the meeting – careful consideration of the atmosphere and proceedings should ensure the child/young person does not feel intimidated
- the views of the child/young person should be respected and given equal consideration to those of adults
- if a child/young person is attending, there should be a mutual agreement between the panel and the parent as to which part of the meeting it is most appropriate for them to attend

Appendix 1

Serial and unreasonable complaints

Elm Grove Primary 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 we will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Elm Grove Primary 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 (by letter, phone or email), as it could delay the outcome being reached.

Whenever possible, the headteacher (and/or chair of governors, if appropriate) will discuss any of the above issues 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.

Any threat or action of aggression or violence will be reported to the Health and Safety department at the local authority.

In the case of 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.

Appendix 2

Complaint Form

Please complete and return to louisewillard@elmgrove.brighton-hove.sch.uk who will acknowledge receipt and explain what action will be taken. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

This form is provided for ease of use – you may also raise your complaint in person or by telephone, in which case the person you raise the complaint with will complete the form.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Tel no: Email:
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: