Holy Trinity CE Primary School

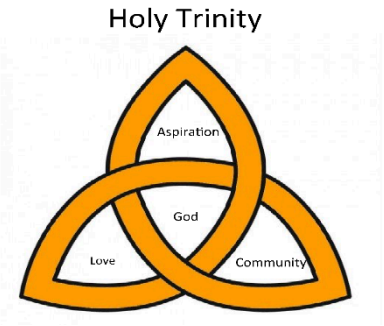
Complaints Procedure

Vision

Our vision is that children are nurtured to love learning, love one another and love God.

'Love learning, love one another, love God.'

"I have come so that you might have life – life in all its fullness." John 10:10



Policy drafted by: Alison Bateman

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Introduction

Holy Trinity School endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board of Holy Trinity School has approved the following procedure which explains what you should do if you wish to make a formal complaint about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Resolving concerns informally

For the purpose of this procedure a concern may be defined as: '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. The majority of concerns can be dealt with without resorting to the formal stages of this complaints procedure.

The governing board of Holy Trinity School actively encourage those that have concerns to raise them as early as possible with the appropriate person at the school (eg your child's class teacher or the headteacher) and to work constructively with that person towards resolving them. Concerns should not be raised with individual governors as they have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the formal procedure.

Where concerns are raised the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

The extent to which informal resolution of a concern was attempted may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

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 Holy Trinity School about any provision of facilities or services that the school provides. However, there are some statutory exceptions which fall outside of this complaints procedure, and alternative procedures need to be followed, as outlined below.

Complaints that fall outside of this procedure

Complaints relating to the following issues are covered by a separate/specific policy or procedure.

Exceptions	Who to contact
• Admissions to schools	Where the school is responsible for its own admissions refer to the admissions policy (include link) Concerns about admissions, should be raised directly via Achieving for Children (AfC) Admissions on behalf of Richmond Local Authority richmond.admissions@achievingforchildren.org.uk
• Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs, should be raised directly via the relevant EHCP Co-ordinator at Achieving for Children (AfC).
• School re-organisation proposals	Concerns about school re-organisation proposals, should be raised directly via Achieving for Children (AfC) on behalf of Richmond Local Authority richmond.admissions@achievingforchildren.org.uk
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our school's child protection and safeguarding policy and in accordance with relevant statutory guidance. Serious child protection concerns - contact the Achieving for Children (AfC) Single Point of Access (SPA) **020 8547 5008**
• Exclusion of children from school*	Please refer to the school's Behaviour Policy which can be obtained on the school website or via the school office. *NOTE *complaints about the application of the behaviour policy can be made through the school's complaints procedure.* Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing	Holy Trinity School 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 whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also complain direct to 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 third party providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with service complaints. Please contact the third party directly.

• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus
• Subject Access Requests and Freedom of Information Requests	Please refer to the school's Data Protection and Freedom of Information policy which can be obtained on the school website or via the school office.

Complaint about the headteacher

Where a complaint is about the headteacher, it should be marked Private and Confidential and addressed for the attention of the Chair of the Governing Board (via the school office/or email). The Stage 1 formal process will then commence, but the Chair of Governors will act as the individual responsible for the investigation, opposed to the headteacher.

Complaint about the Chair/or individual governors

Where a complaint is about the Chair of the Governing Board or an individual governor, it should be marked Private and Confidential and addressed for the attention of the Clerk to the Governing Board (via the school office/or email). The Stage 1 formal process will then commence, but the Clerk will facilitate an impartial governor from the governing board to act as the individual responsible for the investigation.

Complaint about the whole governing board

Where a complaint is about the whole Governing Board, it should be marked Private and Confidential and addressed for the attention of the Clerk to the Governing Board (via the school office/or email). The Clerk will liaise as appropriate, with the Diocese and /or Achieving for Children (AfC) Governor Support to co-ordinate an external impartial panel of governors to conduct the investigation as outlined in the Stage 2 formal process. Timescales may be affected while the school source appropriate individuals for the review.

How to make a complaint

A complaint may be defined as: '*an expression of dissatisfaction however made, about actions taken or a lack of action*'. A complaint can be made in person, in writing or by telephone. Complaints may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher (via the school office/or email). Please mark correspondence as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. 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.

In accordance with equality law, Holy Trinity School 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

Holy Trinity School will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether such a complaint warrants an investigation.

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the school as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Informal concerns and complaints will be dealt with confidentially at all stages, including the conclusion of the procedure. Confidentiality should be maintained at all times by all parties involved.

Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned. The complainant is not entitled to participate in the proceedings or receive any detail about them.

Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc, will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Social Media

In order for complaints to be dealt with confidentially and resolved as quickly and fairly as possible, the governing board of Holy Trinity School requests that complainants do not discuss complaints publicly via social media. Social media platforms may include, but is not limited to Facebook, Twitter and WhatsApp messenger service.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy which can be found on the school website or a copy can be provided via the school office.

Resolving complaints

At each stage in the procedure, Holy Trinity School will endeavour 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, and an apology.

Withdrawal of a Complaint

Where a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

The timescale for making a complaint

Holy Trinity School reserve the right not to investigate complaints that are not formally lodged within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The headteacher will review the situation and decide whether or not to enact the complaints procedure.

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.

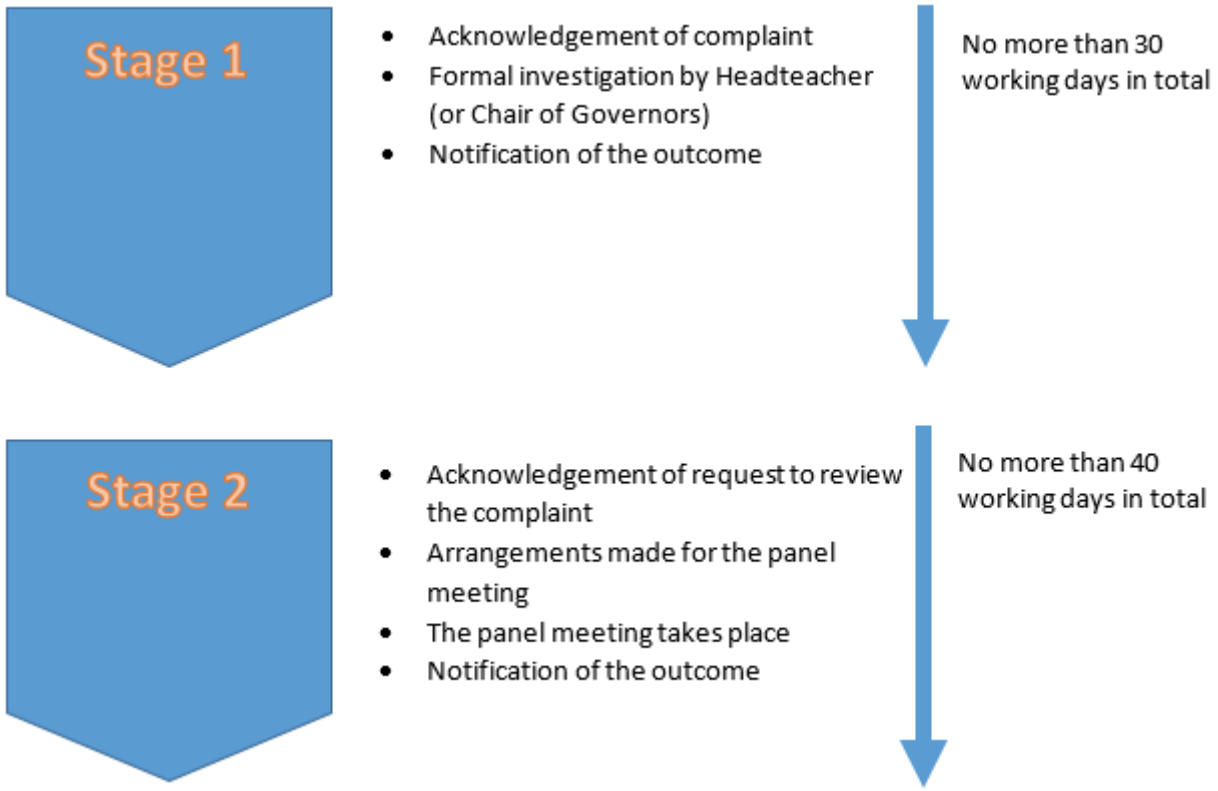
If a complainant commences legal action against Holy Trinity School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Complaints received outside of term time

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

The formal stages and timescale of the complaints procedure.

There are two formal stages of the complaints procedure and the following diagram outlines the timescale for completion of the procedure.



Holy Trinity School will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above. However, if it becomes clear that for any reason. Holy Trinity School is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

Stage 1 – Formal investigation by headteacher

1. Formal complaints must be made to the headteacher (or chair of the governing board, as appropriate), via the school office/or email. This may be done in person, in writing (by applying the formal complaint form - at Appendix 1), or by telephone. The complainant will need to outline the nature of the complaint, what remains unresolved and what outcome they would like to see in order to resolve the matter.

2. The headteacher (or chair of the governing board, as appropriate) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) no later than 10 working days (excluding those that fall in the school holidays) of receiving it.

   Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

3. The headteacher (or investigator) will consider all relevant evidence. This may include, but is not limited to:

   - obtaining statements from the complainant and those involved with the complaint
   - meeting with the complainant and those involved with the complaint, allowing them to be accompanied if they wish
   - reviewing correspondence and other documentation relating to the complaint

4. After considering the available evidence, the headteacher can decide to:

   - uphold the complaint and direct that certain action be taken to resolve it

- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint), direct for certain action to be taken, or
- dismiss the complaint entirely

A log of all correspondence in relation to the complaint and investigation meetings/interviews will be kept in accordance with the Data Protection Principles

At the conclusion of their investigation, the headteacher will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the Clerk to the governing board.

Stage 2 – Review by panel of the governing board

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. The review is carried out by a panel of three impartial governors from the Holy Trinity School governing board. Arrangements will be convened by the Clerk to the governing board.

A request to escalate to Stage 2 must be made to the Clerk of the governing board, (via the school office or email), no later than 4 weeks after receipt of the Stage 1 outcome.

The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of Stage 1 and the outcome they are seeking.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email).

The Clerk will fulfil the role of organising the time and date of the panel meeting, inviting all attendees, collating all relevant documentation and distributing this to all parties involved no later than 5 days in advance of the Stage 2 meeting.

Minutes of the panel meeting will be taken by the clerk and provided together with written notification of the decision taken at stage 2.

The following steps outline Stage 2:

1. The Clerk will acknowledge the written request for the Stage 2 complaint no later than 10 working days (excluding school holidays) after receipt.

2. The clerk will convene a panel of three impartial governors to review the complaint. All three members will have no prior knowledge of the content of the complaint.

3. The review meeting will take place within 20 working days (excluding school holidays) of receipt of the written Stage 2 acknowledgment from the clerk.

4. If the complainant rejects the offer of three proposed review 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 all parties.

5. Prior to the review meeting, the governors will decide amongst themselves who will act as the Chair of the Stage 2 panel.

6. The panel 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.

7. Where the complainant, headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative, as appropriate to provide moral support but not to act as an advocate for them.

8. Legal representation is not permitted, however, there may be occasions when it 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 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 the complainant.

9. Representatives from the media are not permitted to attend.

10. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are requested to be present at the panel meeting.

11. The clerk will ensure any written material is circulated to all parties by no later than 5 working days (excluding school holidays) before the date of the panel meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

12. 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 complaints procedure.

13. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own additional 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.

14. The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

15. 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.

16. The Chair of the panel will provide the complainant, the headteacher (or Chair of the governing board, as appropriate) who investigated the complaint and made the decision at Stage 1, and where relevant, the person complained about, with a full explanation of their decision and the reason(s) for it. Where appropriate, it will include details of actions Holy Trinity School will take to resolve the complaint. The outcome will be made in writing, within 10 working days (excluding school holidays) of the panel meeting.

17. 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.

This concludes the formal Holy Trinity School's complaints procedure.

Contact details for external organisations should the complainant remained dissatisfied with the school's complaints procedure

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 (DfE) after they have fully completed Stage 2.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by Holy Trinity School. They will consider whether the 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, by telephone on: **0370 000 2288** or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD.

Ofsted - It should be noted that Ofsted cannot:

- consider issues about individual pupils
- investigate specific incidents
- judge how well a school responded to a complaint
- mediate or resolve disputes between you and the school
- consider complaints if there are other legal ways to pursue them (for example, complaints about admissions or providing education for individual pupils with special educational needs)

Read more about how to complain about a school.

Serial, persistent, vexatious and unreasonable complaints and behaviour.

For the purpose of this procedure a complaint may be viewed as:

- serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that Holy Trinity School will provide no further response.

- unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the headteacher/chair of the governing board/clerk to the governing board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that Holy Trinity School will provide no further response.

- Holy Trinity School has a separate policy for managing serial and unreasonable complaints which can be located on the schools website or please ask for a copy at the school office.

Queries regarding any aspect of the complaints procedure should be directed to the clerk to the governing board at the following address rde'ath@htprimary.com

Appendix 1

Holy Trinity CE Primary School & Nursery – Complaint Form

Please complete and return to the headteacher or clerk to the governors who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Email address: **Day time telephone number:** **Evening telephone number:**
Please give details of your complaint
What actions have been taken so far (including details of staff member who has dealt with the matter) or solutions offered?

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:

Appendix 2

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

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

Complaints Co-ordinator

Depending on the nature of the complaint, a complaints co-ordinator will be assigned (headteacher/governor/other member of staff to provide administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and Local Authority (if appropriate) to ensure the smooth running of the complaints procedure

- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person keep records.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the panel 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
- minute the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

Panel Chair

The Panel chair, who is nominated in advance of the panel 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
- although this is a formal process, the meeting is conducted in a non-adversarial manner, 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 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 and General Data Protection Regulation (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 panel is open-minded and acts independently
- 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 minuted
- they liaise with the Clerk *(and complaints co-ordinator, if the school has one)*.

Panel member

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

  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 panel 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 panel 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 panel 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 panel considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.