



## Bagshot Infant School

### Responding to Complaints Policy

<b>Responsibility for the document:</b>	<b>FGB</b>
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#### **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 Bagshot Infant School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

#### **The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction, however made, about actions taken or a lack of action'*.

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member or governor. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member or governor. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Bagshot Infant School will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

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

A concern or complaint can be made, in writing, including e-mail or by telephone. They may also be made by a third party acting on behalf on a complainant, if they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. School Governors have no power to act on an individual basis and it may also prevent them from being involved in considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher. They should be marked as Private and Confidential. Complaints that involve or are about the Headteacher should be addressed to the Chair of the Governing Body, via the dedicated email address: [chair@bagshot.surrey.sch.uk](mailto:chair@bagshot.surrey.sch.uk).

Complaints about the Chair of the Governing Body, any individual governor, or the whole Governing Body should be made in writing, addressed to the Clerk to the Governing Body, via the Headteacher. They should always be marked as Private and Confidential.

For ease of use, a template complaint form is included at the end of this policy. If you require help in completing the form, please contact the School Business Manager. You can also ask third party organisations such as the Citizens Advice Bureau to help you.

In accordance with equality legislation, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For example, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of the Governing Body, if appropriate, will determine whether the complaint warrants an investigation.

## **Timescale for making a complaint**

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.

## **Complaints received outside of term time**

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

## **Deviation from the procedure**

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. In these cases, the complainant will be kept informed and reasons for the deviation given.

## **Scope of this complaint's procedure**

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

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the relevant local authority, in our case Surrey County Council.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Surrey Children’s Single Point of Access (C-SPA) on 0300 470 9100.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have a whistleblowing procedure for all our employees.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school’s complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school’s internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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

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

## Resolving complaints

At each stage in the procedure, Bagshot Infant School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld, in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained about 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.

In addition, mediation can provide a helpful mechanism for discussion when a complaint is raised, and can help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been complete.

## Withdrawal of a complaint

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

## Concerns and informal complaints

Our aim is that most concerns can be expressed and resolved on an informal basis, within 15 school working days.

### Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the School Business Manager. This may be done, in writing (preferably on the Complaint Form), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

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

***Note: The Headteacher may delegate the investigation to another member of the school's staff team but not the decision to be taken.***

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Bagshot Infant School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint if they believe it has not been fully addressed at this stage.

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the Governing Body must be made to the Clerk. If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

The complaint will move to Stage 2 and will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response to the complainant with a copy to the Headteacher and Governing Body.

## Stage 2

If the complainant believes that their complaint has not been fully addressed at Stage 1, they may request a Governor investigation. This should be done in writing, preferably on the Complaint Form (see Appendix B for a copy of the form).

The Chair of the Governing Body may choose to delegate the investigation of the complaint to a nominated governor who may, at the sole discretion of the Chair be independent of the school. The nominated, investigating governor will have had no prior involvement in the complaint.

Receipt of the complaint form will be acknowledged. In most cases the complainant will be invited to meet with the Chair of Governing Body/ nominated governor at the outset of the process. The aim of this meeting is to enable the Chair/ nominated governor to understand the scope of the complaint and identify desired outcomes, prior to commencing their investigation.

The Chair of Governing Body/nominated governor will consider all relevant evidence; this may include but is not limited to:

- evidence and outcome from Stage 1 investigation if applicable
- a statement from the complainant
- where relevant a meeting with/statement from an individual who is the subject of the complaint
- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with /statements from anyone related to the complaint
- relevant policies and whether they were followed

After considering the available evidence, the Chair of Governing Body/nominated governor may:

- uphold the complaint and direct that certain action be taken to resolve it
- not uphold the complaint and provide the complainant with details of the Stage 3 complaint review process
- uphold the complaint in part: in other words, the Chair /nominated governor may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the complainant.

The Chair of Governing Body/nominated governor should inform the complainant of their decision in writing within 15 school days of receipt of the complaint. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. Finally, they should provide the complainant with details of how to progress the complaint to Stage 3 if they believe that their complaint has not been fully addressed, providing them with the contact details of the Clerk to the Governing Body

Should the complaint not be resolved mediation should be considered.

### Stage 3

If the complainant does not believe that their complaint has been fully addressed at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3.

This is a panel hearing with at least three governors, who were not directly involved in the matters detailed in the complaint or in any previous investigation, with consideration being given to one of whom being an independent governor.

This is the final stage of the school's complaints procedure.

### Timeline

A request to escalate to Stage 3 must be made to the Clerk, within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The Clerk will write to the complainant to inform them of the date of the meeting.

They will aim to convene a meeting within 30 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. In this case the Panel will meet, with the Clerk and Area Schools Officer in attendance, and consider the complaint on the basis of written submissions from both parties, with neither party being present.

At least **15 school days** before the meeting, the Clerk will:

- confirm and notify both parties of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible and
- inform both parties that copies of any further evidence should be submitted to the clerk at least **10 school days** before the meeting. Any evidence submitted after this, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the panel, whose decision is final.

Any written material will be collated and circulated by the clerk to all parties so that it is received at least 5 school days before the date of the meeting.

### Attendees at the meeting

The Clerk will invite the following parties:

- a panel of at least three governors,
- the Headteacher
- investigating member of staff (if appropriate)
- the investigating governor who dealt with the complaint at Stage 2
- relevant witnesses
- Area Schools Support Service representative (procedural advice).

The complainant may ask to be accompanied to the meeting by a supportive companion, interpreter or advocate. It is not advisable for this person to be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The complainant must advise the Clerk to the Complaint Review Panel of the name and role of this additional person prior to the hearing, and the Clerk will seek agreement from the chair of the Panel. If the additional

person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion they will not be able to address the Panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the panel.

Representatives from the media are not permitted to attend.

### **Conduct of the meeting**

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. Financial compensation is not a possible outcome of the process.

The panel hearing will consider the complaint as was submitted at stage 1 and 2. Any new issues will need to be dealt with by a separate complaint procedure.

The Panel will not only consider the handling of the complaint at the previous stages, but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed.

The meeting will be held in private and is confidential. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations are recorded. Consent will be recorded in any minutes taken.

The Panel will consider the complaint and all the evidence presented, and will come to their decisions on the balance of probabilities. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.
- determine that all or part of the complaint is out of their scope to consider

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 Chair of the panel will provide the complainant and Bagshot Infant School with a full explanation of their decision and the reason(s) for it, in writing within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they believe that their complaint has been handled unreasonably or unlawfully by Bagshot Infant School

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 Bagshot Infant School will take to resolve the complaint.



The panel will ensure that any findings and recommendations are sent by post, electronic mail or otherwise given to the complainant and, where relevant, the person complained about, with a copy to the Headteacher.

The clerk will ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential\* file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society ([www.irms.org.uk](http://www.irms.org.uk)) and in accordance with the principles of the Data Protection Act (DPA) 2018. The complainant should be informed that this will be done.

\* Please note that the Secretary of State or a body conducting an inspection under s 109 of the Education and Skills Act 2008 may request access to complaints documentation. Complaints about governors

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a committee of governors who are independent of the school.

## Next Steps

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Bagshot Infant School. They will consider whether Bagshot Infant School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus),

by telephone on:

0370 000 2288

or by writing to:

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

## **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 resolution 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
- do not publicise or share the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to provide a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough discussion with the complainant to establish their perspective and desired outcomes
- interviewing staff and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the Clerk as appropriate to clarify what the complainant feels would put things right.

### **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
- 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 and send it to the parties in advance of the meeting within an agreed timescale
- make notes during the proceedings
- notify all parties of the Panel's decision.

## **Panel Chair**

The Panel's chair will ensure that the meeting is conducted in line with the complaints policy and best practice principles.

## **Panel Members**

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 panel should read all documentation and understand the purpose of the meeting.

## Procedure for managing serial and unreasonable complaints

Bagshot Infant School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.

We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Bagshot Infant 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 complaint's procedure or with good practice
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Governing Body will discuss any concerns with the complainant informally before determining that they may be acting "unreasonably".

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 Bagshot Infant School causing a significant level of disruption, we may specify acceptable methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Bagshot Infant School.

### **Procedure for managing complaint campaigns**

In the rare event that the school receives a large volume of complaints all based on the same subject, from complainants unconnected with the school, we will either send a template response to all complainants or publish a single response on the school's website.

## **Area Schools Support Service**

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, governors and complainants at all stages of the complaints process.

### **North West Surrey**

(Runnymede, Surrey Heath, Woking)

#### **Kate Prince**

##### **Area Schools Officer**

Telephone: 01483 518104

Email: [kate.prince@surreycc.gov.uk](mailto:kate.prince@surreycc.gov.uk)

### **Natalie Cull**

#### **Area Schools Assistant**

Telephone: 01483 518106

Email: [natalie.cull@surreycc.gov.uk](mailto:natalie.cull@surreycc.gov.uk)

Quadrant Court, Guildford Rd,

Woking, Surrey GU22 7QQ

## Complaint form

Please complete and return to the School Business Manager (*for Stage 1, or Clerk to the Governing Body for Stages 2 and 3*) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Contact details:</b>
<b>Please give details of your complaint (adding extra pages if necessary):</b>



**What 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 and by whom:**

**Stage:**

**Complaint referred to:**

**Action taken:**

**Date:**