

The Robert Drake Primary School

Complaints Procedure



Who Can Make a Complaint?

This policy applies to any matter which has been raised with The Robert Drake Primary School by parents/carers of pupils as matter of concern but which has not been capable of resolution informally and which the complainant or The Robert Drake Primary School consider should be dealt with on a formal basis.

For the avoidance of doubt this policy does not apply to those who are not parents/carers of pupils at The Robert Drake Primary School. Complaints that fall in to this category will be dealt with as follows:

Complainants should first attempt to address their complaint to The Robert Drake Primary School informally. If this fails to resolve the situation, the complaint may be submitted in writing to the Co-Headteachers who will acknowledge receipt of the complaint and thereafter issue a final written response within 15 school days. Where the complaint involves the Co-Headteachers, the Chair of Governors will issue a final written response within the same timeframe.

The Difference Between a Concern and a Complaint

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Robert Drake Primary 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 Co-Headteachers will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Co-Headteachers will refer you to another staff member. 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, The Robert Drake Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to Raise a Concern or Make a Complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Co-Headteachers) should be made in the first instance, to the Co-Headteachers via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Co-Headteachers should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

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

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

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

Anonymous Complaints

The Robert Drake Primary School will not normally investigate anonymous complaints. However, the Co-Headteachers or the Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Complaints Campaigns

Complaints as part of a Complaints Campaign¹ will be investigated and the Co-Headteachers or Chair of Governors (if the Complaints Campaign relates to the Co-Headteachers) will determine the most appropriate way to handle the complaint. This may include sending a single response to all complainants or publishing the response on The Robert Drake Primary School's website. Any response will include details of how to contact the Education and Skills Funding Agency (ESFA) if the complainants are dissatisfied with the way their complaint has been handled by The Robert Drake Primary School.

Time Scales

The complainant 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. The Robert Drake Primary School in its absolute discretion will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints Received Outside of Term Time

The Robert Drake Primary School will consider complaints made outside of term time to have been received on the first school day after the holiday period.

School days means days where The Robert Drake Primary School is open for school sessions – it does not include Non-Pupil Days or Bank Holidays.

Scope of This Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by The Robert Drake Primary School other than complaints that are dealt with under other statutory procedures, including those listed below. Where necessary The Robert Drake Primary School will exercise its discretion.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<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. They can be contacted by phone on 03330 139 797 or by e-mail: lado@essex.gov.uk</p>
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</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"> Whistleblowing 	<p>The Robert Drake Primary School has internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</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"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<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>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on The Robert Drake Primary School's 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, The Robert Drake Primary School will inform the complainant of a proposed new timescale.

If a complainant commences legal action against The Robert Drake Primary School in relation to their complaint, The Robert Drake Primary School will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving Complaints

At each stage in the procedure, The Robert Drake Primary School wants to resolve the complaint. If appropriate, The Robert Drake Primary School will acknowledge that the complaint is upheld in whole or in part. In addition, The Robert Drake Primary School 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 The Robert Drake Primary School will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

Stage 1 – Informal Resolution

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Generally, it is expected that where the matter relates to a pupil it will have been raised with the class teacher, phase leader or Co-Headteachers before a request is made to deal with the complaint under the formal stage of this policy. Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

The Robert Drake Primary School will seek to resolve matters at the informal stage within 15 school days of the issue being raised.

Where the matter is not resolved at the informal stage, the complainant may elevate it to the formal stage as set out below.

Stage 2 – Formal Resolution

The complainant must put the complaint in writing (preferably on the Complaint Form), addressed to the Co-Headteachers, setting out briefly the facts and stating what it is that the complainant

considers should have been done or where The Robert Drake Primary School has not met reasonably expectations.

The Co-Headteachers may delegate the handling of the complaint to another member of The Robert Drake Primary School's senior leadership team.

The Co-Headteachers (or member of The Robert Drake Primary School's senior leadership team) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Co-Headteachers (or member of The Robert Drake Primary School's senior leadership team) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Co-Headteachers (or member of The Robert Drake Primary School's senior leadership team) can consider whether a face to face meeting is the most appropriate way of doing this. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.

During the investigation, the Co-Headteachers (or member of the senior leadership team) ('the 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 investigator will provide a formal written response. Whenever reasonably possible, this will be done within 15 school days of the date of meeting with the complainant and if no meeting is to take place within 25 days of receipt of the complaint.

If the investigator 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 The Robert Drake Primary School will take to resolve the complaint.

The investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2. This must be set out in writing, stating where the complainant remains dissatisfied and what resolution is sought. It must be lodged within 10 school days of the complainant receiving the Stage 2 findings in writing.

If the complaint is about the Co-Headteachers, it should be raised with the Chair of Governors (or Vice-Chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a Trustee to investigate in the same way as outlined above.

For complaints against the Governing Body, the Chair of Governors (or in the case of a complaint against the Chair, the Vice Chair) will investigate the complaint (or appoint another member of the Board of Governors to do so).

If the complaint is about the entire Board of Governors, Stage 2 will be considered by an independent investigator. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Complaints about the Co-Headteachers or a Governor must be made to the Clerk, via the school office.

Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, which will include two Governors and with one person who is independent of the management and running of The Robert Drake Primary School. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, 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.

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

The Clerk will invite the investigator to put in writing their response to the complainant's reasons. The investigator will do this within 15 school days of receiving the request and at the end of that period (whether or not the investigator has responded) the Clerk will convene a hearing.

The Clerk will write to the complainant to inform them of the date of the hearing. The hearing will be held on academy premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the investigator and the panel. Whenever possible, the hearing will be held within 15 school days of the end of the investigator's response time. 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 hearing. If the complainant fails to attend on the day without compelling reasons, the panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the "Serial or persistent complainants" section as set out below.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Legal representation will only be permitted in exceptional circumstances.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 school days before the hearing, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the hearing, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least 5 school days before the hearing.

Any written material will be circulated to all parties at least 2 school days before the date of the

hearing.

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The hearing is not a court case and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the hearing takes place. Consent will be recorded in any minutes taken. The complainant will have the opportunity to put forward their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. 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. The Robert Drake Primary School will have the opportunity to put forward its version and views of events and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.

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.

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 The Robert Drake Primary School with a full explanation of their decision and the reason(s) for it, in writing, as quickly as reasonably possible, aiming to do so within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Robert Drake Primary 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 including consideration as to how the complaint was dealt with at previous stages of the procedure. Where appropriate, it will include details of actions The Robert Drake Primary School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Co-Headteachers.

If the complaint is against the Board of Governors, then the Chair of Governors will consider the most appropriate way of handling the complaint which may be for an entirely independent panel to conduct any hearing.

A written record will be kept of all complaints that were resolved at the formal stage of this procedure. Records will contain details of whether the complaint was resolved at Stage 2, or whether it proceeded to a Stage 3 panel hearing. The action taken by The Robert Drake Primary School as a result of a complaint (regardless of whether they are upheld) will also be recorded.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Serial or Persistent Complainants

If at any level the complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of Governors may write to the complainant to inform them that the procedure has been exhausted and the matter closed, and that continued correspondence will be viewed as 'serial' or 'persistent' and that The Robert Drake Primary School will not respond to any further correspondence on this issue or a closely related issue.

Vexatious Complaints

The Robert Drake Primary School also reserves the right to pause or cease to deal with vexatious complaints. This will usually be where there are/ is:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Robert Drake Primary School. They will consider whether The Robert Drake Primary School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

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 Robert Drake Primary 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 Co-Headteachers 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

(this could be the Co-Headteachers / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Co-Headteachers, Chair of the Board of Governors or the Clerk and 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 / Trust Board

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

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

Panel Chair

The panel's chair, who is nominated in advance of the complaint hearing, 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 hearing
 - the hearing is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
 - complainants who may not be used to speaking at such a hearing 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 DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and The Robert Drake Primary 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 Robert Drake Primary School has one).

Committee Member

Panel members should be aware that:

- the hearing must be independent and impartial, and should be seen to be so

No Trustee 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 hearing should be to resolve the complaint and achieve reconciliation between The Robert Drake Primary School and the complainant

We recognise that the complainant might not be satisfied with the outcome if the hearing 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 hearing, 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 hearing that the panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Reviewed: Autumn 2023

Next Review date: Autumn 2024



Complaint Form

Please complete and return to headteacher 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):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at The Robert Drake Primary 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:

Action taken:

Date: