



Complaints Policy

Prepared by: D Shaw May 16

Reviewed: July 2018, November 2020, December 2021(ACB)

Nominated Governor: Chris Marshall

Date to be reviewed: November 2023

Introduction

Heltwate School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, carers, pupils and third parties, and we accept that not all of these communications will be positive.

Where concerns are raised, the school aims to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

Which procedure do I need?

Sometimes, when concerns are of a specific nature, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies electronically on the school website or ask for a copy from the main school reception.

- **Pupil admissions;**
 - Please see the school's admissions policy or contact Peterborough City Council for further information on (01733) 747474
- **Pupil exclusions;**
 - Please see the school's policy for Positive Management of Behaviour.
- **Staff grievance, capability or disciplinary;**
 - These concerns are covered by the school's Capability procedure.
- **Where the complaint concerns a third party used or commissioned by the school;**
 - Please direct your complaint to the third party themselves.
- **Anonymous complaints;**
 - Please refer to the Whistle-Blowing policy.
- **Subject Access Requests and Freedom of Information Requests;**
 - Please see the school's Data Protection and Freedom of Information policy

Raising concerns

We remain hopeful that the majority of concerns can be dealt with, without resorting to the use of this procedure on a mutually collaborative basis between school and the complainant, but we also recognise that this may not always be possible.

Where you have a concern about any aspect of the school or your child's education or well-being, please raise this initially with your child's class teacher. Ideally, they will be able to address or resolve your concerns on the spot, or they will arrange a meeting with you to discuss the issue in more depth if required.

All concerns will be dealt with confidentially. The class teacher will need to make a written record if they feel that the matter may require escalation or it may arise again in the future.

Any such notes will be kept confidentially in accordance with the principles of the Data Protection Act 1998. However, they will be made available to be used as evidence if further investigation is required, or if the issue became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's well-being or safety is at risk, the school is under a duty of care and responsibility to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

Use of Social Media

In order for complaints to be resolved as quickly and fairly as possible, Heltwater School requests the complainants do not discuss their complaints publicly via social media, on platforms such as Facebook and Twitter. All complaints will be dealt with confidentially to protect the privacy of those involved, and we at school expect the same level of courtesy and confidentiality from the complainant.

Complaints that result in staff capability or disciplinary investigations

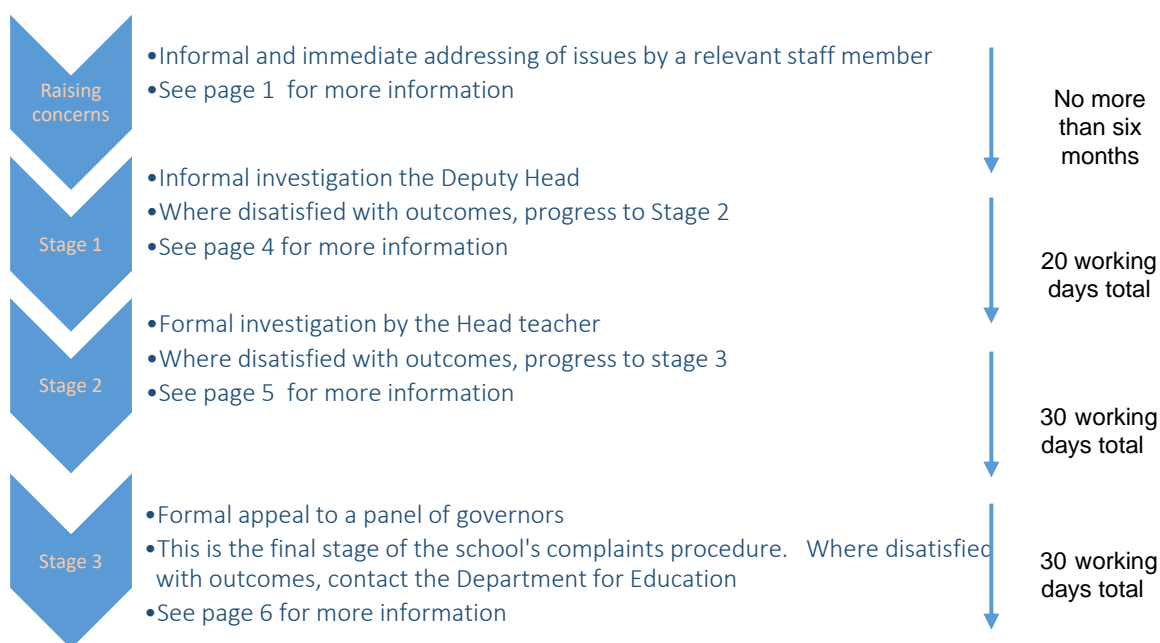
If at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this course of action will remain confidential to the Head Teacher and/or the individual's line manager.

The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detailed information about them.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of teaching staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Timelines



Timeframes

Heltwate School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible, for example due to the complexity and quantity of information needed to review a complaint effectively or difficulties regarding an individual's availability to deal with the complaint.

If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Heltwate School reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in 'exceptional circumstances'. By using the term 'exceptional circumstances' we mean where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification as to why the complainant has been unable to raise the complaint before this time.

The HT will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of any justification for their decision.

Who should I approach?

Educational matters:	Alison Ashworth
Disciplinary matters:	Adam Brewster
Financial/Administration matters:	Mike Nelson
Pastoral/Welfare matters:	Debbie Shaw
Complaint about a staff member's conduct:	Direct approach to the staff member themselves. Where this does not resolve the situation, their line manager should be approached.

Complaints about the Head Teacher or members of the Governing Board

In cases of complaint about the Head Teacher, the complainant should first directly approach the Head Teacher in an attempt to resolve the issue informally.

If the complainant is not satisfied with this outcome, they should notify the clerk to the governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the Head teacher.

In cases of complaint against a school governor, the same process applies as to the Head Teacher, and in the case of a complaint being made against the Chair of Governors, the individual should contact the clerk to the Governing Board.

Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The vice chair or an independent investigator will mediate any proceedings thereafter.

Stages of the Complaint

Stage 1 – Informal investigation by the Deputy Head Teacher

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress their concerns by making an informal complaint. In doing so, the following steps should be followed:

1. Complainant should contact the Deputy Head Teacher in writing using the complaints form.
2. The complainant must explain;
 - An overview of the complaint so far
 - Who has been involved
 - Why the complaint remains unresolved
 - The actions they would like to be taken to put things right.

The school's complaint form can be found on the website or collected from the school office in hard copy as required.

3. The Deputy Head Teacher will respond within **5 working days** (excluding those days which fall in the school holidays) of having received the written complaint. In response, they will explain what action they intend to take.
4. Where the complaint is about a member of staff or a school governor, the deputy head will arrange an informal mediation meeting between the two parties to see if a resolution can be found or agreed.
5. The Deputy Head Teacher will provide written confirmation of the outcome of their investigation within **15 working days** (excluding those which fall in the school holidays) of having sent confirmation of their intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process, and launch a formal written complaint.
6. If resolution is agreed informally, the Deputy Head Teacher will make a record of the concern raised and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

Stage 2 – Formal investigation by the Head Teacher

1. The complainant may submit a formal complaint form to the Head Teacher. See the end of the procedural guidance for the Head Teacher's contact details.
2. The Head Teacher will respond in writing within **10 working days** (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The Head Teacher will consider all relevant evidence; this may include but is not limited to:
 - A statement from the complainant,
 - Where relevant, a statement from an individual who is the subject of the complaint
 - Any previous correspondence regarding the complaint
 - Any supporting documents in either case
 - An interview with anyone related to the complaint.
5. The Head Teacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the purposes of his/her investigation.
6. After considering the available evidence, the Head Teacher can:
 - Uphold the complaint and direct that certain or required action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the Head Teacher may find one aspect of the complaint to be valid, but not in another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.

7. The Head Teacher must inform the complainant of their decision in writing within **20 working days** (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint.
 - They must explain clearly why they have come to the decision that they made;
 - They must detail any agreed actions as a result of the complaint;
 - And finally, they must provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied with the outcomes, providing them with the contact details of the Clerk to the Governing Board (Detailed at the end of this policy).

Stage 3 – Appeal – A Review by a panel of the Governing Board.

If the complainant wishes to appeal a decision made by the Head Teacher at Stage 2 of the procedure, or they are not satisfied with the action that the Head Teacher has taken in relation to the complaint, the complainant is able to appeal this decision.

They must write to the Clerk of the Governing Board (see contact details at the end of this policy) as soon as possible after receiving notice of the Head Teacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this **5 days** in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within **4 weeks** of receiving the Head Teacher's decision or it will not be considered, except in exceptional circumstances.

On receipt of this written notification, the following steps will be followed:

- The Clerk will write to the complainant within **five working days** (not including the school holidays) to confirm receipt of the appeal request and will detail further action to be taken.
- The Clerk will convene a panel of two school governors, and one independent member with no connection to the school (i.e. they will not be part of the governance or management of the school, will not be a staff member, parent or pupil). All three panel members will have no prior knowledge of the content of the complaint.
- The appeal hearing will take place within **20 working days** (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the complainant, confirming the appeal.
- In addition to the panel, the following parties will be invited, where applicable and relevant:
 - The complainant

- The Deputy Head Teacher who dealt with the complaint at Stage 2
- And where the complaint is regarding a member of staff, the staff member who is the subject of the complaint.

The complainant is also able and encouraged to bring a companion with them to the hearing if they wish to do so. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a work colleague. Neither party is able to bring legal representation with them. If, after the hearing any party feels that legal action is necessary, they should follow the guidance at the end of this policy.

3. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
4. Where the complaint is about a Governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Governing Board who will notify the Clerk of their decision. Where an entirely independent panel is required, timescales may be affected whilst the school sources appropriate individuals for the purposes of review.
5. The panel can make the following decisions:
 - Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
6. All parties who attended the meeting will be informed in writing of the outcome of the appeal within **5 working days** (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint.

If the complainant remains dissatisfied and wishes to take the complaint further, contact details can be found at the end of the policy. The school will not consider the complaint beyond this point.

[Vexatious and Unreasonable complaints](#)

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, further complaint about the same concern will be considered vexatious.

The school will not reinvestigate complaints after the complaints procedure has already been concluded and exhausted except in exceptional circumstances, for example where new evidence has come to light.

If a complainant makes a vexatious complaint, the Head Teacher will write to them explaining that the matter has been dealt with fully and in line with the school complaints procedure, and therefore the matter is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints are complaints that are clearly trivial or petty or those intended to aggravate or create a nuisance. The Head Teacher will use his/her discretion to choose not to investigate these complaints.

Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate it. If the chair deems it appropriate to, they can redirect the Head Teacher to investigate the complaint. The full complaints procedure will commence from Stage One on this direction.

If the Chair of Governors upholds the Head Teacher’s decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

Contact details for relevant members of staff as detailed in this policy

Name	Role	Contact details
Mr Adam Brewster	Head Teacher	a.brewster@heltwate.net
Mrs Alison Ashworth	Deputy Head Teacher	a.ashworth@heltwate.net
Mr Mike Nelson	School Business Manager	m.nelson@heltwate.net
Mrs Debbie Shaw	Welfare Manager	d.shaw@heltwate.net
Chair of the Governing Board	Chair	Via clerk@heltwate.net
Clerk to the Governing Board	Clerk	clerk@heltwate.net

Contact details for external organisations if the complainant is not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governing Board at clerk@heltwate.net
- If the complainant remains dissatisfied with the outcome of the complaints procedure, they may contact the local authority – Peterborough City Council. Contact details can be found at www.peterborough.gov.uk/contact-us
- If the complainant feels that the Governing Board has acted ‘unreasonably’ in the handling of their complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. <https://www.gov.uk/complain-about-school>

Please note that the term ‘unreasonable’ is used in a legal sense and means acting in a way that no reasonable school or authority would act given the same circumstances.

- Ofsted will also consider complaints about schools.

Relevant legislation and guidance

The Equality Act 2010	http://www.legislation.gov.uk/ukpga/2010/15/contents
The Data Protection Act 1998	http://www.legislation.gov.uk/ukpga/1998/29/contents
The Education Act 2002	https://www.gov.uk/government/publications/school-complaints-procedures