



## ***Compliments, Concerns & Complaints Procedure***

**THIS POLICY IS TO BE READ IN CONJUNCTION WITH THE SAFEGUARDING AND CHILD PROTECTION POLICIES AVAILABLE ON THE SCHOOL WEBSITE**

Ellwood School is committed to safeguarding and promoting the welfare of children and young people, and expects all staff, and volunteers, to share the same commitment.

### **Compliments**

- The school, actively encourages compliments and welcome feedback
- There is compliment book in the Reception area where visitors are able to write a few words about the engagement with the school
- Parents can email the school office with any positive comments they wish to share and these will be reported at Governors meetings and shared with staff and children at assemblies
- Verbal comments received will be passed to the Head Teacher

### **General Principles**

This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides. It seeks to clarify the roles and responsibilities of staff and governors in assessing, acknowledging and investigating concerns or complaints.

### **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 interests 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. Ellwood Community Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Concerns should be brought to the attention of a member of staff as soon as possible by telephone, in writing or in person (by appointment). Many concerns can be resolved through simple clarification or the provision of information; and the school will seek to deal with concerns by this informal process.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head Teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to another staff member. This will enable the school to consider the concern objectively and impartially.

Ellwood Community Primary School understands however, that there are occasions when people would like to raise their concerns formally. In these cases, we will attempt to resolve the issue through the stages outlined within this policy.

### **Raising a complaint**

If your concern is not dealt with informally (as outlined above), your complaint must be made in writing, marked as 'Private and Confidential' and passed via the school office to the following:

- Complaints against school staff (except the Head Teacher) should be made in the first instance to Mrs Milford (the Head Teacher).
- Complaints that involve or are about the Head Teacher should be addressed to Mrs Ulyatt (the Chair of the Governing Body). Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Mrs Lewis (the Clerk to the Governing Body).

For ease of use, a template complaint form is included at the end of this document (Appendix 1). If you require help in completing the form, please contact the school office.

In accordance with equality law, we will consider making reasonable adjustment if required, to enable complainants to access and complete the complaints procedure i.e. providing information in alternative formats or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Head Teacher or the Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

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.

### **Scope of the complaints procedure**

This procedure covers all services provided by Ellwood Community Primary School, other than complaints that are dealt with under other statutory procedures including those listed below:

Exceptions	Who to contact
Statutory assessments of Special Educational Needs	<p>Complaints relating to a SEND concern that remains unresolved, should be made to SENDIASS (Special Educational Needs and Disability Information and Support Service) 0800 158 3603. This is a free service which supports the parents of children with SEND.</p> <p><a href="https://www.gloucestershire.gov.uk/education-and-learning/special-educational-needs-and-disability-send/">https://www.gloucestershire.gov.uk/education-and-learning/special-educational-needs-and-disability-send/</a></p>
Admissions to schools / school reorganisation proposals	<p>In Year:  <a href="mailto:Inyear.admissions@gloucestershire.gov.uk">Inyear.admissions@gloucestershire.gov.uk</a>  01452 426015</p> <p>Appeals:  <a href="mailto:School.appeals@gloucestershire.gov.uk">School.appeals@gloucestershire.gov.uk</a></p> <p>Admissions: :  <a href="https://www.gloucestershire.gov.uk/education-and-learning/school-admissions/">https://www.gloucestershire.gov.uk/education-and-learning/school-admissions/</a>  <a href="mailto:School.admissions@gloucestershire.gov.uk">School.admissions@gloucestershire.gov.uk</a></p>
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our safeguarding policy in accordance with 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. In Gloucestershire the LADO is <b>Nigel Hatten</b>, who is supported by Tracy Brooks and Jenny Kadodia, the Allegations Management Co-Ordinators. If you are looking for general Allegation Management advice, please contact either Tracy or Jenny on the following number 01452 426320.</p> <p>If you have a concern about a child, please contact the Children and Families Services Helpdesk on 01452 426565 (during office hours). If you prefer you can send an email to <a href="mailto:childrenshelpdesk@gloucestershire.gov.uk">childrenshelpdesk@gloucestershire.gov.uk</a></p> <p>The Children and Families Services helpdesk is</p>

	<p>open between 9am and 5pm Monday to Friday.</p> <p>To report a concern outside of these hours, please contact the Emergency Duty Team on 01452 614194. This is an answering machine and you will need to leave a message and your telephone number. Someone will then call you back. Please remember that this number is only for situations that cannot wait until the next working day.</p> <p>If you are concerned about the immediate safety of a child, please contact the Police on 101 at any time or 999 in an emergency.</p>
Exclusion of children from school	<p>Further information about raising a concern about exclusion can be found at;</p> <p><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 schools complaints procedure</i></p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedure.
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 member of staff as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by other providers who may use the school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	<p>Please contact the Department for Education:</p> <p><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
Whistleblowing	<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 directly with their employer.</p> <p>Referrals can be made at:</p> <p><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school</p>

	<p>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> <p>Gloucestershire County Council has a whistleblowing policy, which enables employees, partners and suppliers to express any concerns they have about illegal or illegitimate practices involving the council.</p> <p>While it is primarily designed for use by people who work for the council, you can raise your concerns in confidence by:</p> <ul style="list-style-type: none"> <li>• completing the online Whistleblowing Allegation form which is available from <a href="https://www.gloucestershire.gov.uk/council-and-democracy/complaints-and-feedback/whistleblowing/">https://www.gloucestershire.gov.uk/council-and-democracy/complaints-and-feedback/whistleblowing/</a></li> <li>• writing (in an envelope marked 'Confidential') to</li> </ul> <p>Head of Planning, Performance &amp; Change Gloucestershire County Council, Shire Hall, Gloucester, GL1 2TZ</p> <ul style="list-style-type: none"> <li>• calling the whistleblowing phone line in confidence on 01452 427052</li> </ul> <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p>
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If other bodies are investigating aspects of the complaint, for example the Local Authority (LA) safeguarding teams, tribunals or the police, this may impact on our ability to adhere to 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 Ellwood Community Primary 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.

## Resolving complaints

At each stage in the procedure, Ellwood Community Primary 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 of will not re-occur
- \*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

A complainant can withdraw a complaint at any time. If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Stage 1

Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher). This may be done in person (by appointment), telephone or in writing (preferably on the complaint form - appendix 1). You should include details that might help the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement about what you hope might reasonably contribute to a resolution of the problem at this stage. Without this, it is much more difficult to proceed.

The Head Teacher (or Chair - Mrs Ulyatt, if the complaint is about the Head Teacher) may invite you to a meeting to discuss your complaint and to seek a resolution.

The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing within 5 school days.

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

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

During the investigation, the Head Teacher (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 Head Teacher will provide a formal written response within 10 school days of the date of receipt of the complaint. If the Head Teacher is unable to meet this deadline, they will provide the complainant with an update and a 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 Ellwood Community Primary School will take to resolve the complaint.

The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Head Teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all of the actions at Stage 1.

Complaints about the Head Teacher or member of the governing body must be made to the Clerk, via the school office. If the complaint is:

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

Stage 1 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.

## **Stage 2**

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 (form Appendix 2) - a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 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 write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 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. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Ellwood Community Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee 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.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation 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 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 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 meeting, the Clerk will:

- confirm and notify the complainant 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
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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



procedure.

The meeting will be held in private. 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 take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee 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 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.

The Chair of the Committee will provide the complainant and Ellwood Community Primary 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 are dissatisfied with the way their complaint has been handled by Ellwood Community Primary School (see information below).

If the complaint is:

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

Stage 2 will be heard by a committee of independent governors.

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 Ellwood Community Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## 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 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Ellwood Community Primary 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](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.

## MONITORING AND REVIEW

This policy was drawn up following consultation with the whole staff.

Its implementation is seen as the responsibility of all staff. Its use and effectiveness will be supported and monitored by the Head Teacher and the Governors.

Signed: **Donna Milford**  
Head teacher.

Reviewed: November 2020

This policy is scheduled for review in 12 months time.

**COMPLAINTS FORM – Stage 1**

Please complete and return to the Head Teacher or the Chair of Governors (if the complaint is about the 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:**

**Daytime telephone number:**

**Evening telephone number:**

**Please give details of your complaint, including whether you have spoken to anybody at the school about it:**

**What actions do you feel might resolve the problem at this stage?**

**If you are attaching any supporting documentation, please give details here:**

**Signature:**

**Date:**

**OFFICIAL USE**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## Appendix 2



### Complaints Procedure Form – Stage 2

If you have tried unsuccessfully to resolve your complaint and are not happy with the complaint process or procedure and wish to take the matter further, please complete this form and send it to the school, addressed confidentially to the Clerk of the Governing board.

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening Telephone number:	
Email:	Postcode:
What is your complaint concerning and what action would you like the Head Teacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	

What was the result of the discussion?	
Signed:	Date:

<b>OFFICIAL USE</b>
Date acknowledgement sent:
By whom:
Date meeting arranged:
Date notified of meeting:
Paper work sent out:
Date meeting took place:
Decision from meeting sent out:

## **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 / 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 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 Head Teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Head Teacher or complaints committee 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 Head Teacher / 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, Head Teacher, Chair of Governors, Clerk and LAs (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 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.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint 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
- the meeting 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 meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee 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 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 committee is open-minded and acts independently
- no member of the committee 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).

### **Committee Member**

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