

**Brampton Primary School**

**Complaints Procedure**

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**Building Personal Success**

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## **1) Introduction**

The Department for Education (DfE) provides guidance for schools regarding complaints procedures.

Please see the DfE link: [Best practice guidance for school complaints procedures 2019](#)

Managing Schools Complaints Guidance for schools (Newham's Maintained Schools)

The guidance is produced to:

- Share and encourage best practice
- Help schools avoid common pitfalls

Under section 29 (2) of the Education Act 2002, Governing Boards of maintained schools must 'have regard to any guidance given from time to time (in relation to England) by the Secretary of State' when establishing and publishing complaints procedures relating to their school and any facilities or services the school provides.

### **Brampton Primary school aims:**

- to provide a happy, secure, well organised and stimulating environment where all children, pupils and staff can work and learn together in an atmosphere of mutual trust and respect and where children and pupils can learn to be tolerant, courteous and considerate to others
- to provide an education of exceptional quality which promotes the highest possible standards of learning for every child
- to provide a broad and balanced curriculum to help and guide each child/pupil to develop his/her full potential through a range of skills, knowledge and practical play and investigation activities
- to promote and encourage children's/pupil's independence and confidence
- to recognise the individuality of each child/pupil and cater for individual needs
- to provide equal educational opportunities and experiences to all children/pupils regardless of disability, race, religion or gender
- to teach and foster the development of good working habits, an enquiring mind and self-discipline and to encourage children/pupils to take pride in their work, themselves and the school
- to enrich the lives of our children/pupils through fostering respect and understanding of the many cultures represented in our schools
- to encourage children/pupils to believe in themselves and to participate and support each other as active members of our community
- to foster a caring environment where all children/pupils learn to respect the school's property and that of others

## **2) In order to investigate your problem or complaint we need to know:**

- when and where the incident/s happened
- who was involved
- what happened
- what you would like to happen as a result of your complaint

## **3) Complaints not in scope**

Complaints for which there are separate (statutory) procedures are not included in this, e.g. admissions, school's re-organisation proposals, statutory assessments of SEN, CP investigation, exclusion, whistleblowing, staff grievances, staff conduct, national curriculum, collective worship, complaints about services provided by other providers.

#### **4) Who can make a complaint?**

Any person, including members of the public, may make a complainant about any provision of facilities or services that a school provides unless statutory procedures apply (such as exclusions or admissions). The school must not limit complaints to parents or carers of children that are registered at the school.

#### **5) How can a complaint be raised?**

A complaint may be made:

- in person, by telephone or in writing
- by a third party acting on behalf of the complainant

The school needs to ensure that you have written consent from the complainant before disclosing information to a third party

#### **6) Investigating complaints**

School must ensure that at each stage, the person investigating the complaint:

Establishes what has happened so far

Identifies who has been involved

Understands the nature of the concern or complaint

Knows what issues remain unresolved

Have contacted the complainant to establish and clarify information

Have spoken to or interviewed those involved as required

Conducts meetings with an open mind and be prepared to persist with questioning and finding the answer

Keeps accurate records of the complaint including notes of any meetings, discussions and if required arrange for a minute/note taker

#### **7) Resolving complaints**

School must acknowledge and register complaints from complainants. The possible outcomes of a complaint will be one or more of the following (this list is not exhaustive):

- An apology
- An explanation of what actually happened, clarification of the facts
- An admission that the situation could have been handled differently or more appropriately
- An assurance that the event complained of will not reoccur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review school policies in light of the complaint.

#### **8) Vexatious complaints**

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Chair of Vice-chair will contact them to inform them that the matter

has already been dealt with and that either that stage of the policy has been exhausted or that the complaints policy has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond to that correspondence

**It is important to note however, that should a complainant raise a new, separate complaint, it must be responded to in accordance with the school complaints procedure.**

Brampton Primary 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 take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Brampton Primary 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 complaints procedure or with good practice
- trivial or irrelevant information which they expect to be taken into account and commented on
- 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 Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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 Brampton Primary School causing a significant level of disruption, we may specify 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 the school.

## **9) Legal Representation**

The school's complaints procedure is not a form of legal proceedings.

The aim of the procedure and especially at the Governing board stage should be:

- Reconciliation
- To put right things that may have gone wrong

If a complainant commences legal action against the school in relation to their complaint, the school should consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

If you have a problem, are unhappy, or wish to make a complaint – please tell someone, we will try our best to resolve any situation.

## **10) Timeliness**

Complaints need to be considered and resolved as quickly, and efficiently as possible.

The DfE consider 3 months to be an acceptable time frame in which to lodge a complaint. Additional time can be given in exceptional circumstances. Any decision made by a school, must also be made in line with the principles of administrative law. This means a decision is:

- lawful – it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- rational
- reasonable
- fair
- proportionate

## **11) Brampton Primary School Complaints Procedure and Stages**

### **A. Stage 1 – Informal**

The complaint is dealt with by an appropriate staff member who is not the subject of the complaint.

In the vast majority of cases, a concern can and should be resolved by contacting the appropriate member of staff. This may be the class teacher, phase leader or other designated staff member directly involved with the reported problem.

The initial communication from the complainant to the member of staff may be by letter, telephone conversation or in person by appointment. The complainant must allow the designated staff member at least 5 days to respond to the concern.

If this does not lead to a resolution of the problem then the concern/complaint must be referred to the next stage of the process, which is the commencement of the formal process.

### **Stage 1b – Meet a Senior Leader / Head of Year /Phase – Informal**

Please contact the school office to arrange to meet with a senior member of staff who will investigate the complaint and reply within 5 working school days. If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

### **B. Stage 2 – Formal (if unresolved at Stage 1)**

The headteacher or designated person in special circumstances hears the complaint.

If the complainant is dissatisfied with the response from the member of staff at Stage 1, they should be advised to put their complaint in writing to the headteacher who will deal with it formally at Stage 2. Where the headteacher is the subject of the complaint, the complainant should be advised to address it to the Chair of Governors. If the complaint is being dealt with by the Chair of Governors this will bypass Stage 2 and go to Stage 3 of the formal procedure and heard by the Chair of Governors or another appropriate person.

The complainant must ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns.

The headteacher must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state a further communication will follow within 20 school days that will set out the actions taken to investigate the complaint and the findings.

The headteacher can delegate another senior member of staff (investigation officer) to carry out the investigation and report their findings to them. The headteacher will then reach a conclusion based on the investigation. All minutes relating to the investigation should be kept on file. The investigating officer may feel it necessary to meet with the complainant. If this happens, then the notes of the meeting should be produced.

The designated staff /investigation officer will then compile a report detailing their findings. The headteacher will consider any recommendations or actions proposed.

Once satisfied that the investigation has been concluded and a decision has been reached, the headteacher must notify the complainant in writing of the conclusion and any actions that will be taken as a result. The decision can be communicated by the headteacher to the complainant in writing or, if they may feel it appropriate, meet with them to communicate their findings and then confirm in writing afterwards.

The complainant must be informed that, if they are still dissatisfied with the outcome they can write to the Chair of Governors.

### **C. Stage 3 – Formal (if not resolved at Stage 2)**

The Chair of Governors or another appropriate person hears the complaint.

If the complainant is dissatisfied with the response from the headteacher at Stage 2, they should be advised to put their complaint in writing to the Chair of Governors for consideration at Stage 3 of the procedure.

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter. They must also attach any evidence to support their concerns that can be added to that submitted at Stage 1 and 2.

The Chair of Governors must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

The Chair of Governors will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school of Stage 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair of Governors will notify the complainant in writing of the conclusion.

The conclusion could be:

- The evidence indicates that the complaint was substantiated and therefore upheld.
- The complaint was substantiated in part and what action will be taken.
- The complaint is not substantiated by the evidence and therefore not upheld.

The complainant is informed if they are still dissatisfied, they can write to the Governing Board directly, via the school or, School Management Support (SMS) at the Education Space (NPW), outlining why they feel the complaint is unresolved. The Governor Services Team can also support and refer cases to the SMS team.



School Management Support  
Boardman House (3rd Floor),  
64 Broadway, Stratford  
London  
E15 1NT  
External: 020 8249 6900  
Mobile: 07807 727366  
Helpdesk: <https://sunrise-saas.com/npw/web/SContacts/>  
Web: [theeducationspace.co.uk](http://theeducationspace.co.uk)

#### **D. Stage 4 – Formal (if not resolved at Stage 3)**

The Governing Body hears the complaint. This is the final stage of the process.

If the complainant is dissatisfied with the response from the Chair of Governors (or Vice-Chair) at Stage 3 they should be advised that the next stage is to put their complaint in writing to the School Governing Board at Stage 4.

The complainant must ensure they include details of why they are still dissatisfied with the decision at Stage 3, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They may also attach any evidence to support their concerns that can be added to that submitted at Stages 1, 2 and 3.

➤ If the complaint is received by the School then to contact School Management Support who can provide support, advice and assistance with process or follow the process below:

The complaint will be acknowledged within 10 school days.

A panel of Governors (preferably 3) who form a complaints appeal panel considers the complaint. The panel must be independent and impartial. No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. The panel to have a cross-section of categories of governors and sensitive to the issues of race, gender and religious affiliation. If appropriate, the panel can be made up of governors from another school. Schools need to ensure that details of complaints should not be shared with the whole governing body at any stage while they are still being considered/investigate, in case governors are required for the complaints panel, (this allows for an impartial panel).

The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept.

The headteacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore, the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the head teacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the head teacher. The role of the governing body is to provide challenge and to hold leaders to account for the exercise of their professional judgement.

### **The panel can decide:**

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting either the Chair or Vice-chair (whoever did not deal with the complaint at Stage 3), will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and decide on the complaint as there is enough information to allow a decision to be made.

Possible outcomes for the Panel

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similarly do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting.

The letter will inform them of Stage 5.

### **E. Stage 5**

The outcome letter from the School Complaints Panel exhausts the Stage 4 procedures. If the complainant is dissatisfied with the process, they are able to contact: Department for Education,

The School Complaints Unit (SCU)  
2nd Floor, Piccadilly Gate  
Manchester, M1 2WD

The SCU will examine if the school complaints policy and any other relevant processes were followed. The SCU will also examine policies to determine if they adhere to education legislation. However, the SCU will not re-investigate the substance of the complaint and will not overturn a school's decision about a complaint only in exceptional circumstances where it is clear that a school has acted unreasonably or unlawfully.

### **12) Complaint against the Chair of Governors or governing body**

Complaints against the Chair of Governors or any individual governors are made to the NPW (Head of Compliance). The Head of compliance should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing body (stage 1) and then a committee of members of the governing body (stage 2)

Complaints against the entire governing body or complaints involving both the Chair and Vice Chair should also be sent to NPW Head of Compliance, who should then determine the most appropriate course of action. This will depend on the nature of the complaint.

If the complaint is about a member of the governing body or the entire governing body, steps will need to be added to your procedure to deal with this. The options available are:

Chair/Vice Chair to deal with complaint (where this is not possible designate another member of the Governing Body to hear the complaint).

Other designated person to deal with complaint.

Seek support from another school's governing body to investigate.

Seek support, advice and guidance from School Support Management or the Governing Support Services.

School Management Support

Boardman House (3rd Floor),

64 Broadway, Stratford

London

E15 1NT

External: 020 8249 6900

Mobile: 07807 727366

Helpdesk: <https://sunrise-saas.com/npw/web/SContacts/>

Web: [theeducationspace.co.uk](http://theeducationspace.co.uk)

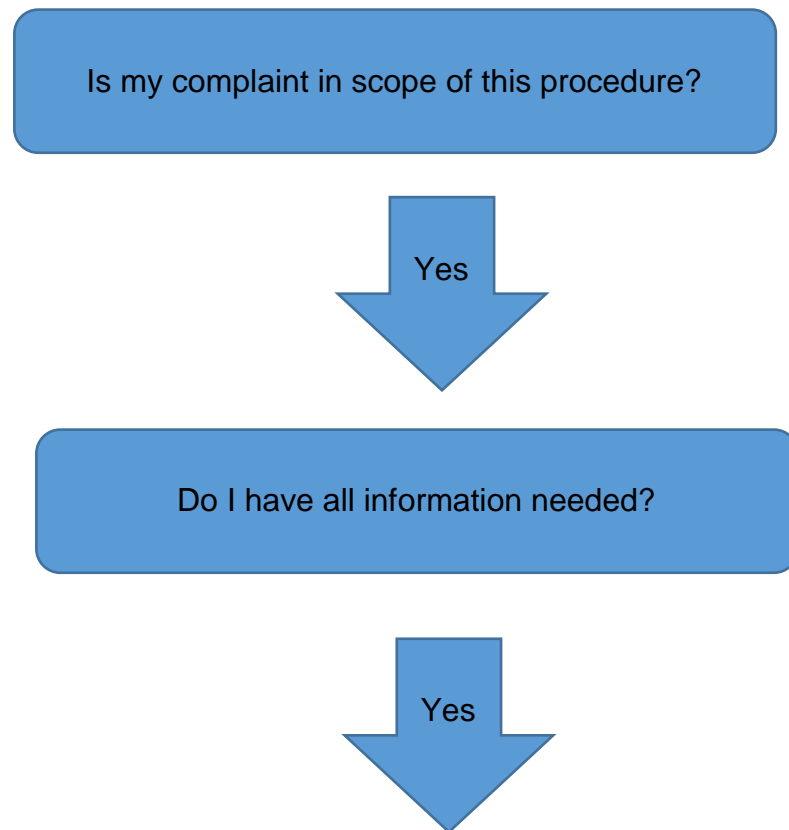
### **13) Further information**

Anonymous complaints will not be investigated under this procedure.

If the complaint is about an event that happened over 12 months ago the school is not obliged to investigate further.

## Complaints procedure flowchart

Get prepared:



Complaints procedure stages to be followed if complaint is not resolved:

