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Eccleston C.E. Primary School

*Let Your Light Shine*

Reviewed: Autumn 2022

Approved by Full Governing Board: Autumn 2022

Signed by Chair of Governors:

Review Date: Autumn 2026

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# ECCLESTON C.E. PRIMARY SCHOOL

**Complaints Procedure**

Eccleston Church of England Primary School is committed to high quality learning for all,

within the values and virtues of the Christian tradition.

The Christian values underpinning our school are;

Friendship, Forgiveness, Trust, Joy and Celebration, Thankfulness and Love.

**RATIONALE**

Under Section 29 of the Education Act 2002, Governing Boards of all maintained schools in England have been required to have in place a procedure to deal with complaints relating to the school. The law also requires the procedure to be published.

**Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Eccleston CE Primary School about any provision or facilities that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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

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

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

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Eccleston CE 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 Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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.

**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 on behalf of a complainant, as long as they have appropriate consent to do so.

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

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

Complaints against school staff (except the Headteacher) should be made in the first instance to the Headteacher via the School Office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher 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 board should be addressed to the Clerk of the Governing Board 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 third party organisations 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**

We will not normally investigate anonymous complaints. However, the Headteacher or 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. We will consider complainants made outside of this time frame in exceptional circumstances only,

**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 this Complaints Procedure**

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

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| **Exceptions** | **Who to contact** |
| * Admissions to schools
* Statutory assessments of Special Educational Needs
* School re-organisation proposals
 | Concerns about admissions, statutory assessments of Special Education Needs or school re-organisation proposals should be raised with Cheshire West and Chester Local Authority. Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.  |
| * Matters likely to require a Child Protection Investigation
 | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. |
| * Exclusion of children from school\*
 | Further information about raising concerns about exclusion can be found at [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions) \**complaints about the application of the behaviour policy can be made through the school’s complaints procedure.*  |
| * Whistleblowing
 | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can made at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)  |
| * Staff grievances
 | Complaints from staff will be dealt with under the school’s internal grievance procedures |
| * Staff conduct
 | Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.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.  |
| * Complaints about services provided by other providers who may use school premises or facilities
 | Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.  |
| * National Curriculum content
 | Please contact the Department for Education at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)  |

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

If a complainant commences legal action against Eccleston CE Primary School in relation to their complaints, 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, Eccleston CE 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
* As assurance that we 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, we will ask them to confirm this in writing.

**Stage 1 – Informal Complaint**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office on admin@ecclestonprimary.cheshire.sch.uk or on 01244 560506.

The school will acknowledge informal complaints within two school days and investigate and provide a response within 14 days.

The informal stage will involve a meeting between the complainant and the Headteacher/class teacher/relevant member of staff as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint at Stage 2.

**Stage 2 – Formal Complaint**

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

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

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

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

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

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

At the conclusion of their investigation, the Headteacher will provide a formal written response within 21 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date. The response will detail any actions 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 Eccleston CE Primary will take to resolve the complaint.

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

Complaints about the Headteacher or member of the Governing Board must be made to the Clerk, via the School Office.

If the complaint is;

* Jointly about the Chair and Vice Chair
* The entire Governing Board
* The majority of the Governing Board;

Stage 1 will be considered by an independent investigator appointed by the Governing Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

**Stage 3**

If the complainant is dissatisfied with the outcome at Stage 1 and 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the Governing Board’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 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 write the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 21 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 Eccleston CE Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA’s Governor Service Team in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

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 a 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 5 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 4 school days before the meeting

Any written material will be circulated to all parties at least 4 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 Eccleston CE 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 Eccleston CE Primary School.

If the complaint is:

* Jointly about the Chair and Vice Chair or
* The entire Governing Board or
* The majority of the Governing Board

Stage 3 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 Eccleston CE 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.

**Persistent Complaints**

**Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person;

* Has made the same complaint before and it has already been resolved by following the school’s complaints procedure
* Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory, vexatious or repetitive
* Insists on pursuing a complaint that is unfounded or out of scope with the complaints procedure, beyond all reason
* Pursues a valid complaint but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames within
* Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
* Seeks unrealistic outcomes or a solution that lacks any serious purpose or value

**Steps We Will Take**

* We will make every reasonable step to address the complainants’ concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal wherever possible
* If the complainant continues to contact the school in a disruptive way, we may put communication strategies in place.
* Give the complainant a single point of contact via an email address. This will be via a Managed Contact Process, the detail of which will be provided directly to the complainant
* Limit the number of times the complainant can make contact, such as a fixed number per term
* Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
* Put any other strategy in place as necessary
* Stop responding

We may stop responding to the complainant when all of these factors are met:

* We believe we have taken all reasonable steps to help address their concerns
* We have provided a clear statement of our position and their options
* The complainant contacts us repeatedly and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make.

In response to 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 our school site.

**Duplicate Complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from partner, family member or any other individual, we will assess whether there are aspects that we had not previously considered or if there is any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

* Tell the new complainant that we have already investigated and responded to this issue and that the local process is complete
* Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

**Complaint Campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, we may respond to these complaints by:

* Publishing a single response on the school website
* Sending a template response to all of complainants

If the complainants are not satisfied with the school’s response, or wish to pursue the complaint further, the normal process will apply.

**Next Steps**

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Eccleston CE Primary School. They will consider whether Eccleston CE Primary 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) or by telephone on 0370 0002288 or in writing to;

The Department of Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

**Complaint Form**

Please complete and return to the School Business Manager who will acknowledge receipt and explain what action will be taken.

|  |
| --- |
| **Your name:** |
| **Pupil’s name (if relevant):** |
| **Your relationship to pupil (if relevant):** |
| **Address:****Postcode:****Day time telephone number:****Evening telephone number:** |
| **Please give details of your complaint, including whether you have spoken to anyone in school regarding 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: |
| Date: |

**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 or meetings or in agreeing the details of the complaint
* Ask for assistance as needed
* Treat all those involved with 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 Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher 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**

The complaints co-ordinator should:

* Ensure that the complainant is fully updated at each stage of the procedure
* Liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
* Keep records
* 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

**Clerk to the Governing 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 legislation relating to school complaints, education law, the Equality Act of 2010, the Freedom of Information Act 200, 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 complainant (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 or 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 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. 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 or young person and present during all of part of the meeting. The committee should respect the views of the child or young person and give them equal consideration to those of adults. If the child or 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 or 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 or young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child or young person to attend a part of the meeting that the committee considers is not in the child or young person’s best interest.
* The welfare of the child or young person is paramount