



VICTORIA PARK JUNIOR SCHOOL

Complaints Policy

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INTRODUCTION

Our school aims to meet its statutory obligations when responding to complaints from parents/carers of pupils at the school, and others. 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.

RAISING CONCERNS

The majority of concerns can be dealt with informally, without reference to this Complaints Policy. Where the complainant has a concern or query about any aspect of the school or their child's education or wellbeing, raise this with their child's class teacher or the Headteacher or Deputy Headteacher. Ideally they will be able to address the complainant's concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further, or may arise again in the future.

WHO IS ALLOWED TO COMPLAIN?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main, this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints policy.

ANONYMOUS COMPLAINTS

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

TIMESCALES

The complaint must be raised within 3 months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. Complaints made outside this time frame will only be considered in exceptional circumstances.

Complaints made outside of term time have to have been received on the first day of school after the holiday period.

AIMS AND OBJECTIVES OF THE POLICY

This Policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the School and all those involved

Where concerns are raised, the School intends for these to be dealt with fairly, openly and promptly. The Governing Board has approved the following procedure which explains what the Complainant should do if they have any concerns about the school.

Where appropriate, the School may offer mediation to resolve a concern or complaint at any stage of the process.

When responding to complaints, we aim 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
- Ensure 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 ensure 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.

HOW TO COMPLAIN

A complaint can be made in person, by letter or by telephone.

The school must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made in person or in writing, however the complainant may have communication preferences due to disability or learning difficulties, and schools must allow alternative methods of contact.

Complainants should not approach individual governors to raise complaints. Governors have no power to act on an individual basis, and it may prevent them from considering complaints at a later stage.

Complaints against school staff (with the exception of those concerning the Headteacher) should be made to the Headteacher via the school office in the first instance. Please mark these as Private and Confidential.

Complaints about the Headteacher should be addressed to the Chair of Governors via the school office. Please mark these as Private and Confidential.

Complaints about any individual governor should be addressed to the Chair of Governors via the school office. Where the complaint is regarding the Chair of Governors, the complaint should be address to the Vice-Chair. Please mark these as Private and Confidential.

SCOPE OF THIS COMPLAINTS PROCEDURE

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools School re-organisation proposals Statutory assessments of Special Educational Needs 	<p>As the school is a Local Authority maintained school, Complaints about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Trafford Council.</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Designated Officer (formerly LADO) who has local responsibility for safeguarding or Trafford Children's First Response on 0161 912 5125.</p>
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour regulation policy can be made through the school's complaints procedure.</i></p>

<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> National Curriculum - content 	<p>Where the school is a Local Authority maintained school, Voluntary Aided school, please contact the Department for Education at: www.education.gov.uk/contactus</p> <p>Please note academy schools do not have to follow the national curriculum. Therefore, for academy schools complaints about the curriculum this will fall within the scope of this complaints policy.</p>

RECORDING COMPLAINTS

At all formal stages of the complaints procedure, the following information will be recorded:

- The name of the complainant;
- The date the complaint was made;
- The details of the complaint;
- The complainant's desired outcome (if this is not clear, the complainant will be asked to confirm or clarify this information);
- Details of the investigation (including written records of meetings and / or interviews held);

- Results and conclusions of investigations;
- Any action taken;
- The complainant's response.

In order to prevent any later challenge or disagreement, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, the school may use recording devices to ensure the complainant is able to access and review the discussions at a later point.

All parties should be aware that complainants have a right to copies of these records under the Data Protection Act 2018 and General Data Protection Regulations (GDPR). Schools as public bodies may also be required to release some information as a result of a Freedom of Information Request where disclosure would not breach the data protection principles.

RESOLVING COMPLAINTS

At each stage in the procedure, the school aims to resolve the complaint. If appropriate, the school will acknowledge that the complaint is upheld in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that action will be taken to avoid the event or incident recurring;
- An explanation of the steps that have been or will be taken to ensure that it will not happen again;
- An undertaking to review school policies in light of the complaint.

The complainant may either choose to take no further action or to take their complaint to the next relevant stage. Where applicable, the complainant will be notified how to proceed to the next stage of the procedure.

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 or phone), as it could delay the outcome being reached.

PUBLICATION AND COMMUNICATION

This Policy will be made available via the School Office and on the website. It may be included within the information given to new parents/carers when their children join the school.

All staff and members of the Governing Board will be made aware of the complaints procedure and the various stages involved. At all stages of the complaints procedure, every party involved needs to be clear about what is happening and what their responsibilities are.

CONFIDENTIALITY

Confidentiality is vital. All conversations and correspondence will be treated as confidential. Complainants' personal information will only be shared when absolutely necessary.

EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

Appropriate steps will be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied by a friend or relative at discussions and hearings.

If a complaint concerns the Headteacher, the Governing Board are advised to seek advice from the outset. In exceptional circumstances, an independent investigation may be commissioned on behalf of either the Headteacher or Governors. Where possible, it is preferable for the school to conduct its own investigation with appropriate support, which may include; but not be limited to; the Data Protection Officer, HR advisor and Governor Services.

TIME BETWEEN STAGES

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time will agree an appropriate time limit within which the next stage should be accessed, if at all, this will be confirmed in writing. If the complaint is not submitted to the next stage within this agreed time limit it will be considered as closed.

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impractical to adhere to the deadline. Where a complaint leads to criminal proceedings this will always be the case. If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant will be told and given an explanation as to why this has been the case.

VEXATIOUS COMPLAINTS

The Chair of Governors can write to a complainant and refuse to consider their complaint at Stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed. In both cases, the complainant has the right to complain to the Department for Education (or the EFSA in the case of Academies).

UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

The Headteacher and Governing Board are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents/carers to use if they wish to make a formal complaint. 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.

This Policy provides information about our School Policy on unreasonably persistent complainants or harassment of staff.

What is meant by ‘an unreasonably persistent complainant’?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refusal to accept that certain issues are not within the scope of the complaints procedure
- An insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints, pursuing complaints in an unreasonable manner (e.g. using abusive or threatening language; or making complaints in public or via social media)
- Making 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
- Refusing to attend appointments to discuss the complaint
- Attempting to bypass this policy

What is ‘harassment’?

The following are examples of behaviour, which we would deem as harassment; however, this list is not exhaustive:

- Behaviour which appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- The way in which a complaint or other issues are pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- Use of threats to intimidate
- Use of abusive, offensive or discriminatory language or violence
- Knowingly providing falsified information
- Any behaviour which has a significant and disproportionate adverse effect on the school community.

The Governing Body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of such the school may:

- ban the individual from the school site, with immediate effect
- request an Anti-Social Behaviour Order (ASBO)
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

APPEALS

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual which they feel is ungrounded, unjustified or incorrect they have the right to appeal. Appropriate Appeals procedures will be followed in order to facilitate this.

THE STAGES OF THE COMPLAINT

STAGE 1 (INFORMAL):

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. It is in everyone's interest that complaints are resolved at the earliest possible stage. Staff are made aware of the procedures, they will know what to do when they receive a complaint and will be able to explain how to access this policy. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff.

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 telephone or letter. If the complainant is unclear who to contact or how to contact them, they should contact the school office (0161 912-5005)

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

The ability to consider the complaint objectively and impartially is crucial. Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure.

Governors should not act unilaterally on an individual complaint outside the formal procedure, or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Governors should seek advice from Trust GS Governor Services.

STAGE 2 (FORMAL):

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 or by telephone.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office (0161 912-5005)

The Headteacher will acknowledge the complaint within 5 working days and may seek additional information.

The Headteacher may delegate the task of investigating and collating information to another staff member but not the decision. The Headteacher may seek advice from the Data Protection Officer, Governor Services, HR Advisor and other professional persons as required.

On conclusion of the investigation the Headteacher will provide a written response to the complainant. This will normally be within 25 school days of the complaint being received. However, if this is not possible the Headteacher will notify the complainant and confirm a revised response date.

The outcome may be that the complaint is:

- Upheld in part or in full
- Not upheld and reasons clearly outlined

The Headteacher will advise the complainant of how to escalate their complaint should they be dissatisfied with the outcome of Stage 2.

The Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

STAGE 2 (FORMAL): COMPLAINT HEARD BY CHAIR OF GOVERNORS OR VICE-CHAIR

Formal complaints about the Headteacher or a governor must be made to the Chair of Governors (unless they are about the Chair of Governors in which case the complaint should be made to the Vice-Chair), via the school office. This may be done in person, in writing or by telephone.

The Chair of Governors will acknowledge the complaint within 5 working days and may seek additional information.

The Chair of Governors may delegate the task of investigating and collating information to another impartial Governor or commission an independent investigation. The decision will remain the responsibility of the Chair of Governors (or Vice-Chair if the complaint is regarding the Chair of Governors). The Chair of Governors may seek advice from the Data Protection Officer, Governor Services, HR Advisor and other professional persons as required.

On conclusion of the investigation the Chair of Governors will provide a written response to the complainant. This will normally be within 25 school days of the complaint being received. However, if this is not possible the Chair of Governors will notify the complainant and confirm a revised response date.

The outcome may be that the complaint is:

- Upheld in part or in full
- Not upheld and reasons clearly outlined

The Chair of Governors will advise the complainant of how to escalate their complaint should they be dissatisfied with the outcome of Stage 2.

STAGE 3 (FINAL SCHOOL BASED STAGE): COMPLAINT HEARD BY COMPLAINTS APPEAL PANEL

If the complainant remains dissatisfied with the outcome at Stage 2 and wishes to take the matter further they can escalate to Stage 3 – a meeting Complaints Appeal Committee. The Complaints Appeal Committee will be formed of three impartial governors. If necessary, independent governors may be sought for the committee if they are members of another local school Governing Board. This is the final stage of the school-based complaints procedure.

The committee will neither review any new complaints at this stage nor consider evidence unrelated to the initial complaint.

Complaints are not heard by the whole Governing Board at any stage, as this may compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

The Complaints Appeal Committee will be constituted by governors, subject to availability and impartiality. The Committee will have delegated powers to; hear complaints; set out its terms of reference and procedures; hear individual appeals; make recommendations on policy as a result of complaints. The Committee may choose their own Chair.

Usually the Complaints Appeal Committee will invite the complainant to attend a meeting to hear the complaint. The complainant may bring someone to support them, this is usually a relative or friend; it may not be a legal representative or a representative of the media.

The Clerk will prior to the meeting:

- Notify the complainant of the time, date, and venue of the meeting. This should be mutually convenient and accessible for all parties.
- Request copies of any further written material to be submitted to the committee at least 7 school days prior to the meeting

Written material will be circulated to all parties at least 5 working days in advance of the meeting.

The committee will be held in private. Electronic recordings are not permitted unless a complainant or Committee members needs require it and all parties consent.

The Committee will:

- Uphold the complaint in whole or in part;
- Dismiss the complaint in whole or in part;

If the complaint is upheld in part or in full, the Committee will:

- 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.

THE REMIT OF THE COMPLAINTS APPEAL COMMITTEE

There are several points which any Governor sitting on a complaints appeal committee needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and be sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/Carers often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent/carer is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The Governors sitting on the panel need to be aware of the Complaints Policy and their roles and responsibilities, seeking advice where necessary from the Clerk.

THE ROLE OF THE CLERK

It is recommended any Committee considering complaints be clerked. The Clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings by taking extensive minutes;
- Notify all parties of the panel's decision.

The Clerk should share copies of the Committee Meeting minutes with all parties involved in the Committee hearing, and provide a reasonable opportunity for the minutes to be agreed or challenged.

The role of the Chair of the Governing Board or the nominated Governor:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

THE ROLE OF THE CHAIR OF THE COMPLAINTS APPEAL COMMITTEE

The Chair of the Committee has a key role, ensuring that:

- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The Panel is open minded and acting independently;
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.

NOTIFICATION OF THE COMPLAINTS APPEAL COMMITTEE DECISION

The Chair of the Committee must ensure that the complainant is notified of the Committee's decision, in writing, with the Committee's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

THE FINAL STAGE OF APPEAL IS TO THE SECRETARY OF STATE FOR EDUCATION.

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 once Stage 3 is complete.

The Department for Education will not normally re-investigate the substance of the complaint or overturn any decisions made by the 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 <https://www.gov.uk/contact-dfe> by telephone on: 0300 000 2288 or write to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

CHECKLIST FOR A PANEL HEARING

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The Panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.