



*We are all part of God's vine and are rooted in His rich soil. We are nurtured and supported so that we may grow and spread out into the world to love and to serve.*

*I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit. John 15:5*

## **Goring C of E Primary School Raising Concerns Policy (Including procedure for dealing with formal complaints)**

**Policy Approved by the Governing Body on ...1 February 2021**

**Signed ..... Chair of Governing Body**

**Review Date ...February 2023**

To conform with the requirements of GDPR (General Data Protection Regulation) all data is handled according to the terms of our Privacy Notice. A copy of this is available on our school website.

### **Introduction**

Governors of Goring C of E Primary School have adopted the following procedure to deal with concerns from members of the school community or the general public about appropriate matters relevant to the running of the school.

### **Legislation and Guidance**

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It is also based on best practice [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

### **Framework of Principles**

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial

- ensure all parties conduct themselves in a polite and reasonable manner
- allow the matter to be handled within established time limits for action and keeping people informed of progress
- ensure a fair investigation by an independent person, where necessary
- allow for a hearing of a panel of governors, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, provide an effective response and appropriate redress where necessary
- provide information to the school's Senior Leadership Team (SLT) so that services can be improved
- seek resolution without the process disproportionately impacting on the running of the school.

## **Resolving the Concern**

At each stage in the procedure, the school will want to keep in mind ways in which a concern can be resolved expediently and effectively. It might be sufficient to acknowledge that the concern is valid 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 the event complained of should not recur
- 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 concern
- an assurance that procedure has been applied properly.

Complainants are to be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Whether the school accepts or rejects the concern or complaint, it is important to reassure the complainant that the matter has been thoroughly investigated.

## **Who Can Raise a Concern**

This policy is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may raise a concern or make a formal complaint to the school about any provision of facilities or services that are provided. Unless complaints are dealt with under separate statutory procedures such as those set out in Annex 2 (for example, appeals relating to exclusions or admissions), this policy and associated complaints procedure will be used.

## **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. Goring 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, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined below.

### **How to raise a concern or make a complaint**

A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. Concerns should be raised with either the class teacher or headteacher. Concerns not related to class or teaching matters should be raised with the school office or the headteacher in the first instance.

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 body should be addressed to the clerk to the governing body 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.

### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of facilities or services by the school, other than complaints that are dealt with under other statutory procedures, including those listed in Annex 2.

### **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 complaints made outside of this timeframe if exceptional circumstances apply. Concerns need to be considered and resolved as quickly and efficiently as possible. An effective complaints procedure must have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the change. It should be noted that schools do not need to consider issues raised made more than one year after the incident/situation.

## Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints may contribute to school improvements. When individual complaints are heard, the school may identify issues that need to be addressed. The monitoring and review of complaints by the school and governing body can be useful in evaluating the school's performance. Any wider discussion of complaints by the governing body or others in the school community should not name or be able to identify individuals.

## Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Resolving Complaints

The school aims to resolve all issues as speedily and informally as possible and will endeavour to resolve all concerns raised expediently and effectively. Formal complaints will be dealt with in accordance with the following procedure

### Stage 1

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 complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 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 the SLT 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 15 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 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 the school 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.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1. Complaints about the headteacher must be addressed to the Chair of Governors. Complaints about the Chair or members 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 – 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 escalation is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days. Requests received outside of this timeframe 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 among themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the 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.

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 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 5 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 2 school days before the meeting.

Any written material will be circulated to all parties at least 2 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 the school with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days. This closes the formal process. 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 the school. 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 the 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 that it acted unlawfully or unreasonably in the exercise of its 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 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: [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.

## **Vexatious, Persistent and Unreasonable Complaints**

Most complaints that are raised are valid and will therefore be treated seriously. The school will take every reasonable step to address the complainant's concerns and to follow the complaints procedure wherever possible. However, in exceptional circumstances a complaint may become unreasonable.

Vexatious or persistent complaints will be dealt with in line with the school's Vexatious Complaints Policy. All other complaints that are deemed unreasonable, will be dealt with in line with the [DfE guidance for schools on complaints procedures](#). In such situations the school will take every step to address the complainant's concerns, and give them a clear statement of the position of the school position and their options.

Unreasonable in this instance could mean for example where the complainant:

- makes a complaint that is obsessive, harassing, or defamatory

- knowingly provides false information
- insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- 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 timeframes it sets out
- changes the basis of the complaint as the investigation goes on
- seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

If the complainant continues to contact the school in a disruptive way, communication strategies may be put in place, for example:

- giving the complainant a single point of contact via an email address
- limiting the number of times the complainant can make contact
- asking the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)

The school may stop responding to the complainant when all of the following factors are met:

- the school has taken all reasonable steps to help address their concerns
- the school provided a clear statement of its position and the complainant's options
- the complainant contacts the school repeatedly, and the school believes their intention is to cause disruption or inconvenience

Where the school stops responding, it will inform the individual that it intends to do so. The school will also explain that it will still consider any new complaints they make.

In response to any serious incident of aggression or violence, the school will immediately inform the police and communicate its actions in writing. This may include barring an individual from the school site.

### **Duplicate complaints**

If the school has resolved a complaint under this procedure and receives a duplicate complaint on the same subject from a partner, family member or other individual, it will assess whether there are aspects that it hadn't previously considered, or any new information it needs to take into account.

If it is satisfied that there are no new aspects, it will tell the new complainant that it has already investigated and responded to this issue, and that the local process is complete and direct the complainant to the DfE if they are dissatisfied with the original handling of the complaint.

If there are new aspects, the school will follow the complaints 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, the school may respond to these complaints by publishing a single response on the school website and/or sending a template response to all of the complainants.

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

## Annex 1

### Goring C of E Primary School - Complaint form

#### Notes

This form can be used by any person making a complaint about the operation of the school which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public. Anyone receiving this form should be advised verbally that help in completing it is available from the school. A member of school staff who is familiar with the process should be nominated to give help. The form should be returned to the school office.

Your name: .....

Address: .....

.....

.....

Postcode: .....

Daytime telephone number: .....

Evening telephone number: .....

If applicable, name of child(ren) at school:

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

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

Are you attaching any paperwork? If so, please give details.

Signature: .....

Date: .....

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Official Use:

Date of acknowledgement sent: .....

By Whom: .....

Complaint referred to: .....

Date: .....

## Annex 2

### Scope of the Complaints Procedure

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Oxfordshire County Council</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<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 local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>Designated Officer (LADO) 01865 810603  <a href="mailto:Lado.safeguardingchildren@oxfordshire.gov.uk">Lado.safeguardingchildren@oxfordshire.gov.uk</a>.            MASH 0345 050 7666  <a href="http://www.oscb.org.uk/concerned-about-achild/">http://www.oscb.org.uk/concerned-about-achild/</a>.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <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 Pupil Behaviour Policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</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.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

## Annex 3

### Establishing a complaints panel

- All governors who have not previously been involved in the complaint are eligible to sit on the panel.
- The clerk will assemble the panel and the panel members will decide who will act as chair.
- When the clerk receives a notification of intention to invoke a Stage 2 complaint, he/she will inform the governing body that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other governors.
- IF FOR ANY REASON THIS PROCEDURE CANNOT BE FOLLOWED the governing body in consultation with the LA / Diocese will put in place an alternative fair process.

### There are several points which any governor sitting on a complaints panel needs to remember:

- 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.
- 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.
- 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.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child is accompanied and 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.
- The governors sitting on the panel need to be aware of the complaints procedure.
- The hearing should be clerked. No other recordings of the meeting are permitted.
- The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with **written** witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed. A complaint to the governors' complaints panel will never be against a member of the non-teaching or teaching staff (it may be against the way the Headteacher handled a complaint against a member of staff).
- There may be exceptional circumstances in which the complaint is against the chair of governors. In those circumstances the procedure above would be adapted and every reference to 'Headteacher' would be read as 'chair of governors'.
- Complainants can bring someone along for support but they are not permitted to take part in the proceedings.
- If the complainant wishes to defer to another individual to present their case in entirety, they could do so but they would not be able to participate in the hearing thereafter.

## **The Remit of The Complaints Appeal Panel**

### **The panel needs to firstly consider whether the appeal is:**

- in relation to a decision taken by the headteacher or a member of the school staff; or
- whether it is about the way in which a complaint or concern was handled.

### **If the complaint was in relation to a decision taken by the headteacher, the panel will need to clarify whether it was:**

- A. a decision within the headteacher's professional responsibility; or
- B. it is an area where the governing body have responsibility, or share responsibility but have delegated this to the headteacher.

### **If the complaint relates to (A) the panel can:**

- consider the manner in which the complaint was addressed but not consider an alternative outcome;
- consider the way in which an operational decision was communicated – but cannot overturn the decision itself;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur;
- consider the thoroughness with which the headteacher investigated a complaint about a member of staff – **but cannot expect the headteacher to provide details about confidential discussions with that staff member.**

### **If the complaint relates to (B) the panel can:**

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- consider 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.

## **Annex 4**

### **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 or designated person may question both the complainant and the witnesses after each has spoken.
- The headteacher or designated person is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher or designated person 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 or designated person 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 with the clerk in attendance.
- The chair explains that both parties will hear from the panel within five working days.