



Red Hall Primary

Complaints Policy and Procedure

Document History	
Originally Written:	July 2014
Updated:	May 2016 February 2019 March 2021 October 2025 January 2026
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Additional guidance added:	February 2019; The new model reflects the DfE's <u>updated guidance on complaints procedures for maintained schools</u> . March 2021; To reflect other changes made within the DfE's model complaints procedure. October 2023: School Concerns Process Chart added
Approved by Governing Body:	May 2016
	7 th March, 2019
	15 th March, 2021
	October, 2023
Next Review Date:	January 2028

Complaints Policy and Procedure



1. Aims

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

When responding to complaints, we aim to:

1. Be impartial and no adversarial
2. Facilitate a full and fair investigation, where necessary
3. Address all the points at issue and provide an effective and prompt response
4. Respect confidentiality, where necessary
5. Treat complainants with respect
6. Make sure that decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
7. Keep complainants informed of the progress of the complaints process
8. 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.

2. 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 [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

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In most cases, a concern can be resolved through informal means. A complaint will follow formal procedures.

This complaints policy 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 Red Hall Primary School about any provision of facilities or services that are provided.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters likely to require a Child Protection Investigation
- Suspension and Permanent Exclusion
- Whistle-blowing
- Staff discipline and conduct
- School re-organisation proposals
- Collective worship

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Complaints about the school's delivery of the National Curriculum are within the scope of this policy, but complaints about the content of the National Curriculum should be sent to [the DfE](#).

4. Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Explain the complaint in full as early as possible
- Co-operate with the school throughout the process, and respond to deadlines and communication (for example, requests for information or meetings) promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Respect confidentiality
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

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The investigator

This is an individual appointed to investigate the complaint, and establish the facts. They will:

- Interview all relevant parties, making clear notes and keeping these securely pending any appeal
- Carefully consider any relevant records, information or evidence
- Provide a comprehensive, open, transparent and fair consideration of the complaint
- Conduct interviews with an open mind and be prepared to persist in the questioning
- Be mindful of the timescales to respond
- Prepare a comprehensive report to the headteacher or complaints panel, which includes the facts and potential solutions 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

The complaints co-ordinator

The complaints co-ordinator can be:

- The headteacher
- The designated complaints governor
- Any other staff member providing administrative support

The complaints co-ordinator should :

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority (LA) as appropriate
- Be aware of issues relating to:
Sharing third-party information
Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
Keep records

Clerk to the governing board

The clerk will:

Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before the complaints panel hearing

Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR)

Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible

Collate any written material relevant to the complaint (for example, stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale

Notify all parties of the committee's decision

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Arrange the complaints panel hearing

Record and circulate the minutes and outcome of the hearing

Panel chair

The complaints panel chair should ensure that:

Both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy

Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person

The remit of the committee is explained to the complainant

Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or UK 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)

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5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time, and the complaint can still be investigated in a fair manner for all involved, however, this would be on a case-by-case basis.

When complaints are made outside of term time, they will be deemed to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

Set new time limits with the complainant

Send the complainant details of the new deadline and explain the delay

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

If a complainant commences legal action against Red Hall Primary in relation to their complaint, then we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Withdrawing a complaint

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

Complaints about our fulfilment of Early Years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

Informal Concerns

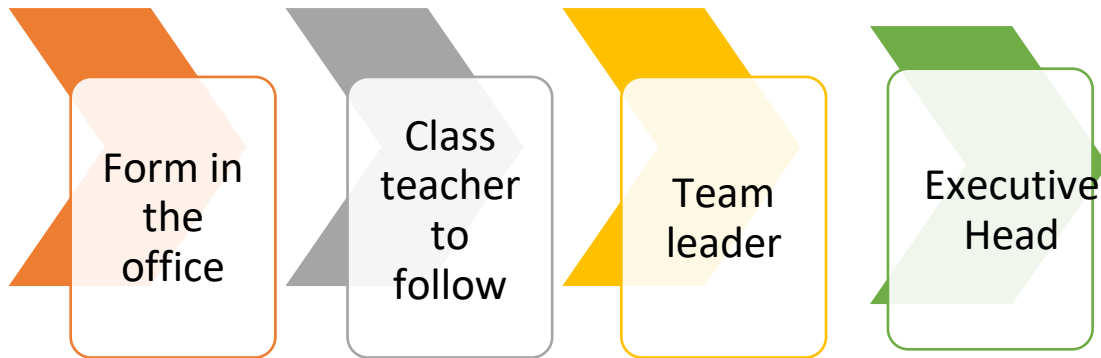
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Our school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision, or clarification of information will resolve the issue.



The complainant should raise the concern as soon as possible.

Parents/carers should raise the concern by following the process below.



School will ensure that informal concerns are resolved within 10 working days of being raised and provide a response

The informal stage will involve a meeting between the complainant and the above staff as outlined in that order. If the concern is not resolved informally, it will be escalated to a formal complaint.

Stages of complaint (not complaints against the headteacher or governors)

We have adopted a 2-stage process for dealing with complaints:

Stage 1 – formal investigation

Stage 2 – panel hearing

Stage 1: formal investigation

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant, if they have the complainant's consent to do so

Complaints should be addressed to the headteacher via the school office, marked private and confidential (if made in writing). The school office can be contacted via admin@redhall.darlington.sch.uk or 01325254770

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.

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If complainants need assistance raising a formal complaint, they can contact the school office.

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 5 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 (or designated member of the senior leadership team) will consider whether a face-to-face meeting is the most appropriate way of clarifying the complaint and to seek a resolution. The complainant may be accompanied to any 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 can arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days of receipt of the complaint. If the headteacher (or other person appointed by the headteacher for this purpose) is unable to meet this deadline then they will provide the complainant with an updated time scale.

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 Red Hall Primary 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.

Stage 2: panel hearing

Convening the panel

The complaints panel will consist of the first 3 members of the governing board available who don't have direct knowledge of the complaint. The governors will select a panel chair from among themselves.

If not enough impartial governors are available, we will seek panel members from other schools or the local authority. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the panel hearing.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

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 [number] school days before the meeting
- Any written material will be circulated to all parties at least [number] school days before the date of the hearing.
- 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 panel will ensure that the hearing is properly minuted.

At the hearing

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The hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in minutes taken.

At the panel hearing, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant will be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but we will consider it on a case-by-case basis. For instance, if a school employee is called as a witness, they may wish to be supported by their union and/or legal representation.

Representatives from the media are not permitted to attend.

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

This hearing will deal with the matters that have progressed from stage 1 only. The panel will not consider any new complaints or unrelated evidence at this stage. Any new complains must be dealt with from stage 1.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The outcome

The panel 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 panel will:
 - Decide the appropriate action to resolve the complaint
 - Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The panel will inform those involved of the decision in writing within [number] school days. Where appropriate, this correspondence will include details of the actions that the school will take to resolve the complaint.

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 DfE after they have completed stage 2.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by Red Hall Primary School. The DfE will consider whether Red Hall Primary School has adhered to education legislation and any statutory policies connected with the complaint.

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6. Complaints against the Headteacher, a governor or the governing board

As set out in section 7 of this policy, complaints can be raised:

- By letter or email (this is preferred)
- Over the phone
- In person
- Via a third party acting on behalf of the complainant, if they have the complainant's consent to do so

Complaints against the headteacher

Complaints that involve or are about the headteacher should be addressed to the clerk to the governing board via the school office, marked private and confidential (if made in writing).

A suitably skilled member of the governing board (usually the chair of governors) will then carry out the steps of stage 1 set out in section above.

The complainant can escalate the complaint as set out in section. The complaint will then be considered by a complaints panel, as set out above.

Complaints against the chair of governors or any individual governors

These complaints should be addressed to the clerk to the governing board via the school office, marked private and confidential (if made in writing).

A suitably skilled member of the governing board will then carry out the steps of stage 1 set out in section above.

The complainant can escalate the complaint as set out above. The complaint will then be considered by a complaints panel.

Complaints against the entire governing board or majority of the governing board or complaints involving both the chair and vice chair

These complaints should be addressed to the clerk to the governing board via the school office, marked as private and confidential (if made in writing).

The clerk will then determine the most appropriate course of action, which will depend on the nature of the complaint. This may involve sourcing an independent investigator to complete stage 1

7. Referring complaints on completion of the school's procedure

If the complainant believes the school did not handle their complaint in accordance with this complaints procedure, or acted unlawfully or unreasonably, they can contact the DfE.

The DfE will not normally re-investigate the matter of the complaint or overturn any decisions made by Red Hall Primary School. The DfE will consider whether the school adhered to:

- Its complaints policy
 - Any other relevant statutory policies
 - Education legislation
-

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The DfE will intervene where a school has:

- Failed to act in line with its duties under education legislation and any statutory policies connected with the complaint
- Acted (or is proposing to act) unreasonably when exercising its functions

The DfE can be contacted after the complainant has completed stage 2.

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information, or to refer a complaint, see the following webpage: www.gov.uk/complain-about-school

8. Unreasonable and Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of Governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

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

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- 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.

9 Record-keeping and confidentiality

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of UK GDPR the Data Protection Act 2018, or where the material must be made available to Ofsted with regard to complaints from parents of pupils at the school

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations to respond.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

10. Learning lessons

The Governing Body will review any underlying issues raised by complaints with the Headteacher/Senior Leader, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated above.

12 Links with other policies

Policies dealing with other forms of complaints include:

- Safeguarding policy and procedures
- Admissions policy
- Exclusions policy

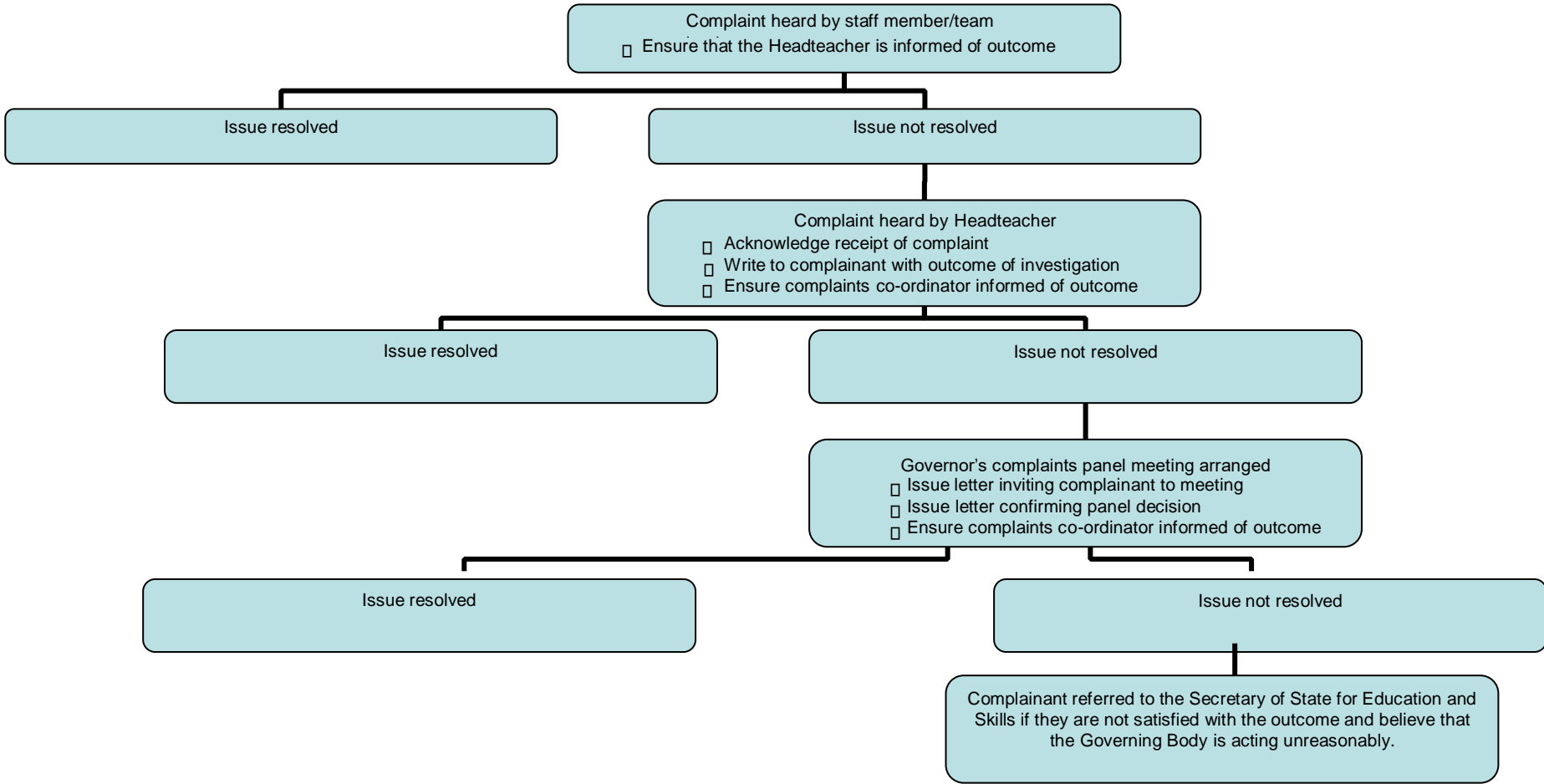
Complaints Policy and Procedure

- Code of Conduct
- SEN policy and information report
- Privacy notices



Flowchart

Summary of Process for Dealing with Complaints





Annex 2

**COMPLAINT FORM
RED HALL PRIMAY SCHOOL**

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

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:



Red Hall Primary School

Complaints Procedure Staff Guidance and Good Practice

When approached by a parent with a complaint;

- Take the matter seriously. Never be dismissive, show irritation or impatience, even with attention seekers.
- Show that you are listening carefully and maintain eye contact.
- Be non-judgemental; gather information rather than offer opinion.
- Ask questions to clarify details.
- Decide if you are able to deal with the complaint personally, or whether you need to refer the matter to another member of staff.
- Make a note of the complainant's details, the date and contact number.
- Do not allow teaching and learning time or supervision levels to be compromised by lengthy complaints. Ask for an appointment to be made at a mutually agreeable time, preferably for the same working day.
- Ensure privacy. Never discuss complaints in front of other children or parents.
- When meeting, take notes, check details and assure the complainant you will investigate and feedback. Record any relevant information on CPOMS
- Never compromise personal safety. Always inform a colleague when and where you are meeting to discuss a complaint. If a complainant appears violent, never agree to meet with them alone. If you feel threatened or intimidated immediately send for the nearest available colleague and refer the complainant directly to the Headteacher.