




## Complaints Procedure

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**Signed:**   
Chair of Trustees      Headteacher  
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## **1. Who can make a complaint?**

- 1.1. This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Ryhope Infant School Academy (the 'Academy') about any provision of facilities or services that the Academy provides.
- 1.2. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the Academy will use this complaints procedure.

## **2. The difference between a concern and a complaint**

- 2.1. A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- 2.2. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.
- 2.3. 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 complaint's procedure.
- 2.4. The Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.5. If you have difficulty discussing a concern with a particular member of staff, the Academy will respect your views. In these cases, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 2.6. The Academy understands however, that there are occasions when people would like to raise their concerns formally. In this case, the Academy will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

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

- 3.1. A concern or complaint 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.
- 3.2. Complaints against school staff (except the Headteacher) should be made in the first instance, to Mrs Tammy Allen (the Headteacher) via the school office. Please mark the complaint as Private and Confidential.

- 3.3. Complaints that involve or are about the Headteacher should be addressed to Ms S. Brown (the Chair of Trustees), via the school office. Please mark them the complaint as Private and Confidential.
- 3.4. Complaints about the Chair of Trustees, any individual Trustee or the whole Board of Trustees should be addressed to Mrs L. Jobson (the Clerk to the Board of Trustees) via the school office. Please mark them the complaint as Private and Confidential.
- 3.5. 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 a third-party organisation for example the Citizens Advice Bureau, to help you.
- 3.6. In accordance with equality law, the Academy 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.

#### **4. Anonymous complaints**

- 4.1. The Academy will not normally investigate anonymous complaints. However, the Headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

#### **5. Time scales**

- 5.1. 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.
- 5.2. The Academy will consider complaints made outside of this time frame if exceptional circumstances apply.

#### **6. Complaints received outside of term time**

- 6.1. The Academy will consider complaints made outside of term time to have been received on the first school day after the holiday period.

#### **7. Scope of this complaint's procedure**

- 7.1. This procedure covers all complaints about any provision of community facilities or services by the Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> </ul>	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</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 – 0191 5617198.</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 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 whistle-blowers 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> <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>

- 7.2. If other bodies are investigating aspects of the complaint, for example the police, Together for Children safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended, until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

- 7.3. If a complainant commences legal action against the Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## **8. Resolving complaints**

- 8.1. At each stage in the procedure, Ryhope Infant School Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:
- an explanation
  - an admission that the situation could have been handled differently or better
  - an assurance that we will try to ensure the event complained of will not recur
  - an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
  - an undertaking to review school policies in light of the complaint
  - an apology.

## **9. Withdrawal of a complaint**

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

## **10. Complaints Procedure**

### **Stage 1 – Informal complaints**

- 10.1. It is to be hoped that most concerns can be expressed and resolved on an informal basis.
- 10.2. Concerns should be raised with either the class teacher, SENDCo (if in relation to SEND) or Headteacher. Complainants should not approach individual Trustees 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 3 of the procedure.
- 10.3. At the conclusion of the investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.
- 10.4. If the issue remains unresolved, the next step is to make a formal complaint.

### **Stage 2 – Formal complaints**

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

- 10.6. 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 15 school days.
- 10.7. 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 head teacher 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 school's senior leadership team but not the decision to be taken.
- 10.8. 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.
- 10.9. 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.
- 10.10. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 10.11. 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 Ryhope Infant School Academy will take to resolve the complaint.
- 10.12. The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 10.13. If the complaint is about the Headteacher, or a member of the Board of Trustees (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2.
- 10.14. Complaints about the Headteacher or member of the Board of Trustees must be made to the Clerk, via the school office.
- 10.15. If the complaint is:
- jointly about the Chair and Vice Chair or
  - the entire Board of Trustees or
  - the majority of the Board of Trustees
- the complainant can contact the ESFA after Stage 2 has been completed.
- 10.16. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint.



10.17. The complainant can refer their complaint to the Education and Skills Funding Agency online at:  
<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Or in writing to:

Complaints Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

### **Stage 3 – Panel Hearing**

10.18. If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the Academy. This is the final stage of the complaint's procedure.

10.19. A request to escalate to Stage 3 must be made to the Clerk within 5 school days.

10.20. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

10.21. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

10.22. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the complaint. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

10.23. 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.

10.24. If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the Trustees and an independent panel member.

10.25. A complainant may bring someone along to the panel meeting 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.

10.26. 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 complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

10.27. Representatives from the media are not permitted to attend.

10.28. At least 10 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 5 school days before the meeting.

10.29. Any written material will be circulated to all parties at least 5 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.

10.30. 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.

10.31. 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.

10.32. 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.

10.33. 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.

10.34. The Chair of the Committee will provide the complainant and the Academy with a full explanation of their decision and the reason(s) for it, in writing, within 20 school days.

- 10.35. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Ryhope Infant School Academy.
- 10.36. 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 Academy will take to resolve the complaint.
- 10.37. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.
- 10.38. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 10.39. All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **Next Steps**

- 10.40. 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 ESFA after they have completed Stage 3.
- 10.41. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).
- 10.42. The complainant can refer their complaint to the ESFA online at:  
<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>  
Or in writing to:

Complaints Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

## Complaint Form

Please complete and return to Ryhope Infant School Academy (*either Headteacher / Clerk / Chair of Trustees*) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>    <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>