



***Hoyle Court Primary School believes that every child is a learner and can achieve.***

POLICY TITLE:		
Complaints Policy		
COMPILED BY:	DATE APPROVED:	DATE TO BE REVIEWED:
Gary Litvinov	14/03/2025	14/03/2026

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## **Complaints Procedures**

Every well governed and well managed school, will from time to time have to deal with complaints from parents / carers. Governors will know that most parental concerns and complaints are resolved informally by the school staff and Head Teacher. Comparatively few complaints lead to a formal process, but some do, and governors must be sure that informal and formal procedures are in place, understood and followed.

### **Statement of intent**

Hoyle Court Primary School aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Procedures Policy has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that Hoyle Court Primary School provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage. At Hoyle Court Primary School, the Headteacher will be the first point of contact when following the complaints procedure.

### **1. Legal framework**

- 1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:
  - The Education Act 2002
  - The Data Protection Act 1998
  - The Freedom of Information Act 2000
  - The Immigration Act 2016
  - The Equality Act 2010
- 1.2. This policy also has due regard to guidance including, but not limited to, the following:
  - DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
  - HM Government 'Code of practice on the English language requirement for public sector workers' 2016

### **2. Definition**

- 2.1. For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.
- 2.2. Complaints can be resolved formally or informally dependent on the complainant's choice.
- 2.3. A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.
- 2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

**NB.** For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

### **3. Roles and responsibilities**

- 3.1. The complainant will:
  - Co-operate with the school in seeking a solution to the complaint.
  - Express the complaint and their concerns in full at the earliest possible opportunity.
  - Promptly respond to any requests for information or meetings.
  - Ask for assistance as needed.

- Treat any person(s) involved in the complaint with respect.

**3.2. The complaints co-ordinator will:**

- Be appointed by the Headteacher and / or Chair of Governors.
- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk and chair of governors.
- Be aware of issues in regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

**3.3. The investigator will:**

- Be appointed by the Headteacher and / or Chair of Governors.
- Be involved in stages one and two of the procedure.
- Provide a sensitive and thorough interview process of the complainant in order to establish what has happened and who is involved.
- Consider all records, evidence and relevant information provided.
- Interview all parties that are involved in the complaint, including staff and children.
- Analyse all information in a comprehensive and fair manner.
- Liaise with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Identify and recommend solutions and courses of actions to take.
- Be mindful of timescales and ensure all parties involved are aware of these timescales.
- Respond to the complainant in a clear and understandable manner.

**3.4. The panel chair will:**

- Be appointed by the Headteacher and / or Chair of Governors.
- Minute all meetings.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.

- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.5. **The panel members** will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  - Dismiss or uphold the complaint, in whole or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.
- Panel members will be appointed by the Chair of Governors.

3.6. **The panel clerk** will:

- Be appointed by the Chair of Governors.
- Continuously liaise with the complaints co-ordinator.
- Keep up-to-date records of all proceedings throughout the procedure.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

#### 4. What kind of complaints?

This policy describes a **model procedure for dealing with complaints** which Hoyle Court Primary School has adopted:

- It **can be used** to resolve complaints about the way school is run or about the way a school policy has been implemented. Most of these complaints are about decisions which affect a particular pupil or pupils.
- It **cannot be used** to resolve matters where other legal procedures already apply. For example staff discipline, admissions, exclusions, and some National Curriculum matters.

## 5. Who can complain and when?

This policy applies to complaints made by:

- parents / carers of pupils currently or recently at the school.
- people who either have 'parental responsibility' for a pupil or who care for him or her, but are not the pupil's parents / carers.

**Note: Complaints must be presented within three months of the action or matter complained of.**

## 6. What action should the Governing Body take?

The Governing Body:

- a. Has approved and adopted this **Complaints Procedure**.
- b. Appoint a **Complaints Committee** of two or three governors when necessary. Staff are advised not to serve on the Committee due to the potential for conflict of interest.

Note: Governors serving on any Staff Discipline and Dismissal Committee and / or any Appeals Committee are advised not to sit on the Complaints Committee. It is best if governors serving on any Pupil Discipline Committee do not also serve on the Complaints Committee but this may be unavoidable where insufficient governors are available.

- It may be useful, where possible, to appoint several governors from which to choose two or three for a particular complaint. **No governor who has any prior involvement in the matter being complained about should serve on the Committee dealing with that complaint.**
- The membership of this committee will be appointed if and when a Complaints Committee is required.
- The Governing Body will give the Complaints Committee full delegated powers to investigate and make decisions about complaints which are referred to it.
- All the usual rules about governors' meetings apply, including declaration of interest. Minutes of the Committee meetings should be confidential and refer to the person making the complaint, the pupil, or anyone involved, by initials rather than by name.

## 7. How does the complaints procedure work?

The procedure is based on informal and formal stages. The informal stage involves trying to resolve the matter as quickly as possible with first the class teacher or the Head Teacher and must be tried first. Only if the complainant is dissatisfied with the outcome or the matter cannot be resolved by this individual should the matter be referred to the formal stage with the Head Teacher or the Governing Body. Where a complaint is initially sent to the Chair of Governors she should refer the matter to the Head Teacher for it to be dealt with under the procedures below.

## 8. Exceptions

There are two exceptions to the procedure above:

- 8.1 A complaint may appear to be sufficiently serious that it should be referred straight through to the formal procedure.
- 8.2 A complaint may clearly relate to breaches of discipline by a staff member, in which case this procedure would not apply and personnel advice should be sought.

## 9. Informal Stage

### Where to complain?

#### **9.1. Stage 1 - Appropriate member of staff – a response to the complaint must be given within 10 working days.**

- Parents / carers should be given the opportunity to discuss their concerns with an appropriate member of staff, such as the class teacher.
- In many cases parents / carers' concerns and complaints are resolved at this early part of the informal stage.
- If the concern remains unresolved the staff member should advise the parent that they may complain to the Head Teacher.

#### **9.2. Stage 2 - Head Teacher – a response to the complaint must be given within 10 working days.**

The Head Teacher should:

- Meet with the person making the complaint and obtain full details of the complaint.
- Discuss this with the member of staff involved.
- Where a complaint concerns a pupil, that pupil should normally be interviewed.
- Ensure written records are kept of all meetings, telephone discussions, and any other relevant documents.
- Consider all the facts and reach a conclusion.
- Write to the person making the complaint giving a full explanation of the decision, the reasons for it and, where appropriate, what action the school proposes to take. The letter should inform the parent that if they are not satisfied with the outcome they may complain to the Chair of the Governing body within a specified period of time. It is recommended that the School's Complaints Procedure should specify this period; a minimum of ten school days is recommended.
- The Head Teacher may choose to delegate this role to the Deputy Head although they must keep the Head Teacher informed of the position.

#### **9.3. Stage 3 - Chair of Governors – a response to the complaint must be given within 10 working days.**

- i) If a complaint has been through stages 1 and 2, the Chair would normally pass the complaint straight to the Complaints Committee unless it is clear that the matter can be immediately resolved.
- ii) A complaint against the Head Teacher should be referred straight to the Chair of Governors.
  - a. This would usually involve the Chair speaking with the person making the complaint and the Head Teacher to ascertain whether or not the complaint can be resolved at this informal meeting.
  - b. If the matter cannot be resolved and the complaint falls within the scope of the procedure the Chair should then refer the complaint straight to the Complaints Committee.
  - c. If the Chair has had some prior involvement in the matter which is being complained of he or she should ask the vice-chair to undertake this role instead of the Chair.

## **10. Formal Stage**

The Complaints Committee of the Governing Body deals with any complaint which has reached the formal stage.  
– a response to the complaint must be given within 10 working days.

This involves:

- a) Receiving the complaint**
- b) Investigating the complaint**
- c) Making a decision on the complaint**
- d) Reporting the decision of the Complaints Committee to the Governing Body.**

### **a. Receiving the complaint**

- The Complaints Committee should try to meet as soon as possible after the complaint is received to agree and be clear about what needs to be done and draw up a timetable for doing it.
- The Chair of the Complaints Committee should write to the person making the complaint to:
  - confirm that the committee has received a copy of any written complaint
  - explain that the committee is now dealing with the complaint
  - set out what appears to be the nature of the complaint and to invite the complainant to send any further written information about the complaint
  - set out the committee's timescale for dealing with the complaint
  - invite the person making the complaint to meet the committee to give full details of their complaint, and inform them they may be accompanied by a friend or representative
  - set a reasonable deadline for reply by the person making the complaint, and make it clear that if there is no response by this deadline the committee will proceed on the basis of the information it already has.
- If the person making the complaint accepts the invitation to meet the Committee, arrangements should be made to make this as easy as possible. The Committee may wish to consider the most appropriate time and place for the meeting to take place and whether other facilities such as providing an interpreter would be helpful.
- The committee should also write to the person(s) complained of informing him/her of the complaint and explaining that they will be given the opportunity to give their version of events.

The purpose of all the above is to find out precisely what the complaint is about and to inform the complainant of the procedure and timescale.

### **b. Investigating the complaint**

- The Committee must meet to discuss the complaint and decide what information they need, who they may need to interview in addition to the person(s) complained of and what questions will need to be asked.
- The interviews can proceed with prepared questions followed by other questions if necessary, and the people being interviewed should be asked if they have anything to add. Answers to the questions should be carefully recorded and the people being interviewed should be asked to sign the record of answers.



- The investigation is not a staff disciplinary investigation.
- Following interviews with staff it may be necessary to ask for further information from the person making the complaint.
- The complainant and the person(s) who is the subject of the complaint should be informed if there is any delay in the investigation process.
- When the Complaints Committee is satisfied that it has all the available information it will consider the complaint and all the evidence. Governors serving on the committee should all try to reach an agreed decision and should decide what should be done to resolve the complaint.
- It may be possible for the Complaints Committee to recommend changes to school policies or procedures to prevent the same problem happening again in the future.

### **c. Making the decision**

- The Complaints Committee must make their decision on the basis of the information in their possession.
- They should produce an investigation report which documents their decision. This would need to be produced if the complainant was to refer the matter to the Secretary of State.
- This report is usually written by the Chair of the Committee.
- The investigation report will be brief and will usually keep the names of the pupil, parents / carers and people interviewed confidential. Its purpose is to:
  - a) Summarise the evidence gathered
  - b) Give the decisions made by the Complaints Committee
  - c) Give any recommendations made by the Complaints Committee to prevent a similar problem happening again.
- Where conflicting versions of events have been given it should be clear from the report why one version has been preferred over the other.
- In very few cases it could happen that one of the recommendations is for the Governing Body to hold a formal disciplinary investigation to find out if staff disciplinary action is necessary. In this case the Complaints Committee should seek the advice of the School Governor Service and/or the school's Human Resource provider before the investigation report is issued to the Governing Body.
- The decisions and recommendations of the Committee should be:
  - a) Sent to the person making the complaint with the information that if the Governing Body's response has failed to satisfy the person making the complaint he or she may complain to the Secretary of State for Education on the grounds that the Governing Body has failed to discharge its statutory duties.
  - b) Sent to the Head Teacher.

c) Sent to the person(s) complained of.

**d. Reporting the decision**

- The outcome of the complaint should be reported to the Governing Body, for information only, as with any delegated decision.
- The report back should take the form of a paragraph briefly summarising the complaint, the investigation and the outcome. The Committee's recommendations should be given. No names should be given in the report back.

## 11. Appendix 1

### Complaints Form



If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the headteacher. (If your complaint is against the headteacher, you will need to send the form to the chair of the governing board.). This completed form can be placed in a sealed envelope marked 'confidential' for the attention of the Chair of Governors.

<b>Name:</b>	<b>Address:</b>
<b>Pupil's name:</b>	
<b>Pupil's date of birth:</b>	
<b>Daytime telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Email:</b>	<b>Postcode:</b>
<b>What is your complaint concerning, and what action would you like the Headteacher to take?</b>	
<b>When did you discuss your concern/complaint with the appropriate member of staff?</b>	
<b>What was the result of the discussion?</b>	
<b>Signed:</b>	<b>Date:</b>

## 12. Appendix 2

### Complaints procedure



#### INFORMAL STAGES

Complaints made to appropriate member of staff or Head Teacher

#### UNRESOLVED

Refer to Head Teacher or Chair who may attempt to resolve the complaint

#### RESOLVED

#### UNRESOLVED

Refer to the Complaints Committee

#### RESOLVED

#### FORMAL STAGE

#### COMPLAINTS COMMITTEE

Investigation by Complaints Committee

#### Outcome

Investigation Report, conclusions and Recommendations reported to complainant and reported back to the next full Governing Body meeting.