

Barford St. Peter's C.E. (V.A.) Primary School

Together we love; together we learn



Complaints Policy

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1 Introduction

Barford St Peter's is committed to providing the very best education for all children in a safe environment where they achieve their full potential. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community, working closely together in the best interests of every child.

We are aware that there may be occasions where people have concerns or complaints. Barford St Peter's Primary School is committed to taking any concerns seriously at the earliest stage and resolving them to the satisfaction of all parties as quickly as possible. However, on the rare occasions when a concern cannot be resolved, this policy outlines our formal complaints procedure.

2 Definitions, Aims and Scope, Legal Framework

2.1. Definitions

This policy covers both **expressions of concern** and **complaints**. The DfE guidance explains the difference between a concern and a complaint as follows:

- 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 seek to resolve concerns through day-to-day communications as far as possible.
- A **complaint** is defined as "an expression of dissatisfaction, however made, about actions taken or a lack of action". The school will aim to resolve complaints as quickly, fairly and to the satisfaction of all parties through its complaints policy and procedures.

This policy does not cover **grievances**. A 'grievance' is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

2.2. Aims and Principles

The primary aims of the Complaints Policy are twofold: to resolve conflicts so schools and parents can work together to best serve the child in question; and to learn lessons, so schools can review practices and identify areas for improvement.

To support these aims, our policy focuses on ensuring that:

- Complaints are dealt with promptly, fully, fairly and openly to bring them to a satisfactory conclusion for all parties.
- We are clear and transparent about the process for an individual or family who wish to make a formal complaint.
- Complaints are dealt with in a manner which upholds good relationships between the school and all stakeholders.

Throughout the process, the school will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

2.2.1. Mediation. Where appropriate, and with the consent of the parties involved, the school may offer mediation to resolve a concern or complaint at any stage of the process. Mediation is a confidential process where an impartial third party (a mediator) helps parties involved in a dispute to communicate and negotiate in order to reach a mutually agreeable solution. In this process, the mediator acts as a facilitator rather than a judge, seeking to find common ground to resolve conflicts, thereby avoiding recourse to more formal resolution processes. If mediation is unsuccessful in resolving the concern or complaint, the complainant is free to pursue the formal processes described in this policy.

2.3. Scope of the Complaints Policy

School Governing Boards are required under Section 29(1) of the Education Act 2002 to have in place a policy and procedures for dealing with complaints relating to the school. This procedure covers all complaints about any provision of community facilities or services by Barford St Peter's, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Whom to contact
Admissions to schools	Warwickshire Admissions Team
Statutory assessments of Special Educational Needs under Children & Families Act 2014	Warwickshire Local Authority
School re-organisation proposals	Warwickshire Admissions Team
Matters likely to require a Child Protection Investigation or in relation to safeguarding	LA designated officer (LADO) or the Multi-Agency Safeguarding Hub (MASH). 01926 414144
Suspension of children from school	Please see the school suspension policy which is available on the school website.
National Curriculum	www.education.gov.uk/contactus
Collective Worship	Please see the school collective worship policy
External providers	Please contact the school office for details of external companies
Student Placements	Please contact the relevant University/College Department for details of their Complaints procedures.

2.3.1. Exceptional circumstances

The DfE and Ofsted expect complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm
- Pupils are missing education
- A complainant is being prevented from having their complaint progressed through the school's complaints procedure
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

2.4. The Legal framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The School Information (England) Regulations 2008
- The Education (Pupil Information) (England) Regulations 2005

This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

This policy will be implemented in accordance with the following school policies:

- Records Management Policy
- Child Protection and Safeguarding Policy
- Grievance Policy

2.5. Timescales

Time limits for each stage of the complaints process are set out under each individual stage. Although every effort will be made to comply with the time limits specified, it may not always be possible to do so, for example because of the complexity of the matter(s) raised, or the unavailability of the complainant to attend a meeting.

Where a time limit cannot be complied with, the person responsible for the relevant stage of the process will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be met and confirming the new time limit which will apply.

3 Roles and Responsibilities

All parties involved in the process of resolving a concern or complaint have their own set of responsibilities. This policy summarises the school's expectations in terms of these responsibilities.

3.1. The Complainant(s)

In this policy we refer to the individual or family who wish to make the complaint as the **Complainant(s)**.

We ask that the **Complainant(s)**:

- Completes the school's Complaints Form in full when submitting a Stage 1 complaint.
- Express(es) the complaint in full and in writing at the earliest possible opportunity, including their preferred outcome(s), in line with the provisions of this policy under [para. 5.4. below](#).
- Co-operate(s) with the school in seeking a solution to the complaint, including attending meetings with the head teacher and/or governor representatives at a mutually convenient time.
- Respond(s) promptly to any requests for information or meetings.
- Treat(s) all those involved in the complaint with respect and without prejudice
- Refrain(s) from publicising the details of their complaint on social media and respects the confidentiality of all parties involved.

3.2. School Office Staff

School Office staff are responsible for ensuring that prospective complainants are provided with the appropriate documentation to make a complaint, and that completed complaint submissions are logged and then routed to the appropriate individual for action, in a timely fashion in line with the provisions of this policy set out in [para. 5.4. below](#).

3.3. The Headteacher

The **Head Teacher** is responsible for managing the Stage 1 process and for investigating and deciding upon all Stage 1 complaints, except those where he or she is the subject of the complaint*.

In doing so, he or she will:

- Follow the process and procedures explained in [para. 5.4.1. below](#).
- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Ensure that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely and retained in line with the requirements of para. 6. below.
- Inform the Chair of Governors of the complaint in a timely manner.
- Be aware of issues regarding sharing third party information.
- Understand and respond if the Complainant needs additional support, including interpretation support, and be aware of any issues concerning this.
- At the conclusion of Stage 1, provide the School Business Manager with a full set of written material relevant to the conduct and investigation of the complaint at Stage 1, in hard copy and/or digital form.

*Where the Headteacher is the subject of the complaint, the Chair of Governors will conduct the Stage 1 investigation, either personally or through an investigator, in line with the above requirements.

3.4. The Investigator

All formal Stage 1 complaints must be thoroughly investigated in line with the provisions of this policy.

The Headteacher (or the Chair of Governors in the case of a Stage 1 complaint where the Headteacher is the/a subject of the complaint), is responsible for investigating any Stage 1 complaint either personally, or through a suitably qualified individual appointed by the Headteacher (or Chair of Governors) acting on their behalf.

Any individual (including the Headteacher or the Chair of Governors) acting as the **Investigator** will follow the process and procedures included in [para. 5.4.1.](#) below.

3.5. The Chair of Governors

The **Chair of Governors** is responsible for investigating and deciding upon Stage 1 complaints where the Headteacher is the/a subject of the complaint, and for reviewing and deciding upon all Stage 2 complaints, except where he or she has led, or been otherwise closely involved in, the investigation and response to that complaint at Stage 1*.

In doing so, he or she will follow the process and procedures listed in [paras. 5.4.2.](#) and [5.4.3.](#) below

*The Chair of Governors will consider any Stage 1 complaints where the Headteacher is the subject of the complaint. Where this occurs, the Chair of Governors will appoint another Governor to lead any Stage 2 review to the same complaint.

3.6. The Clerk to the Governors

The **Clerk to the Governors (Governance Professional)** is responsible for initiating Stages 2 and 3 of the complaints process, and the processes arising from complaints against individual governors or the Governing Body as a whole.

In carrying out his or her role, the Clerk will follow the processes and procedures listed in [para. 5.4.](#) below.

3.7. The Chair of the Complaints Appeal Panel (CAP)

The **Chair of the Complaints Appeal Panel (CAP)** will be appointed by the Chair of Governors from amongst the membership of the Panel. He or she will be responsible for the conduct of the panel meeting, the panel's consideration of the appeal case, and for communicating the outcome to the appellant, in line with the provisions of [para. 5.4.4.](#) below.

3.8. Members of the Complaints Appeal Panel

There will be three Complaint Appeal Panel members, appointed by the Chair of Governors from the current membership of the Governing Body. One of the members will be appointed as Chair of the Panel. Only governors who have had no previous involvement with the complaint or the circumstances from which the complaint arose, may serve on the panel. Staff governors may not serve on Complaints panels.

Members of the Complaints Appeal Panel are responsible for considering the appeal case and deciding the outcome.

In doing this they will ensure that they follow the procedures outlined in [para. 5.4.4.4](#) below, and that:

- They have had no previous involvement in the case under consideration.
- Their views, and their consideration of the cases put by all parties, are independent and impartial.
- They further the aim of the panel to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- They understand that 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.

4. Raising a Concern

If an individual has a concern regarding any aspect of the school or their child's education or wellbeing, we invite them to raise this with their child's class teacher in the first instance. Ideally the class teacher will be able to address the concerns immediately or can arrange a meeting with them to discuss the issue.

If the individual does not feel their concerns have been addressed by a conversation with the class teacher, they are welcome to raise their concern with the Headteacher. The Headteacher will arrange an opportunity to discuss the concern and a note will be kept of the concern and the outcome of the discussion. This will be retained in the school's Complaints Record.

If the individual feels that their concern has still not been addressed, the formal complaints process which should be followed is set out [in section 5](#) below.

5. Making a Formal Complaint

5.1. Who may make a complaint?

The school will consider all complaints against the school or staff submitted in line with the provisions of this policy. Complaints are not restricted to parents or carers of attending pupils.

The school will ensure that all aspects of the complaints policy and procedures are:

- Easily accessible and publicised on the school's website in the form of a Complaints Policy.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality.
- Fairly investigated, by an independent person when necessary.

5.2. Who will deal with the complaint?

The following individuals will have the responsibility for dealing with formal complaints:

- **The Headteacher** will investigate and consider any initial complaint against the school or its staff, except where the Headteacher is the subject of the complaint. ([See para. 5.4.1.](#))

- **The Chair of Governors** will investigate and consider any Stage 1 complaint made against the Headteacher. ([See para. 5.4.2.](#))
- **The Chair of Governors** will consider and investigate any complaint made against a Governor. ([See para. 5.4.6.](#))
- **The Clerk to the Governors** will determine the most appropriate course of action, depending on the nature of the complaint, in the case of any complaint made against the Chair of Governors or the Board of Governors as a whole. ([See para. 5.4.7.](#))

5.3. Confidentiality of the process

Details of any complaint and the outcome of any complaint process are confidential to the following:

- The Complainant(s),
- Any individual who is the/a subject of the complaint.
- The appropriate individual(s) designated in Sections 3, 5 and 6 of this policy to manage, investigate or review the complaint
- (Where necessary) Warwickshire Legal Services for the purposes of providing professional advice.
- (Where requested) The Secretary of State or a body conducting a formal inspection.

5.4. What is the process for considering a formal complaint?

The school has a three-stage process for considering a formal complaint. These stages are set out below.

5.4.1. Stage 1 Complaints against the school's staff, systems or procedures

Stage 1 of the process is managed by the Headteacher, except where the Headteacher is the/a subject of the complaint, in which case it will be handled by the Chair of Governors as explained in [para. 5.4.2. below.](#)

5.4.1.1. Submitting the Complaint

The school upholds a 3-month time limit in which a complaint can be lodged in relation to the relevant incident. However, in exceptional circumstances, this time limit may be waived.

Any person wishing to make a formal complaint (the Complainant) should call at the School Office and request the paperwork for a Stage 1 complaint submission.

School Office Staff will:

- Provide a current hard copy of each of the following two documents:
 - The Complaints Policy (which includes the Complaints Flowchart as Appendix 2)
 - The Complaints Form
- If requested, also provide these documents in digital form, with the Complaints Form provided as a separate digital file from the version included as Appendix 1 to the Complaints Policy.
- Advise the person requesting the documents that the completed Complaints Form and any supporting documents must be submitted in hard copy but may be submitted digitally as well.
- Provide the email address for digital submission of the complaint to the Headteacher.

The Complainant should:

- Read this Complainants Policy fully before submitting a complaint, as it contains important information about the formal complaints process.
- Submit their formal complaint as soon as possible after an incident arises so that the issue can be addressed in an appropriate timescale.
- Provide their complaint submission in hard copy, ensuring that it includes the completed Complaints Form and any supporting documentary evidence which they wish to be considered as part of the investigation.
- Deliver their completed Complaints Form and submission to the School Office, addressed to the Headteacher (or to the Chair of Governors where the Headteacher is the subject of the complaint or one of the subjects of the complaint).
- If they wish to do so, email a copy of their submission in advance, addressed to the Headteacher.

School Office staff will log receipt and date of the submission as soon as possible, forwarding it without delay to the Headteacher.

The Headteacher will check that the complaint conforms with the requirement of this policy in terms both of timescales for submission and the information and evidence required, including the provision of a completed Complaints Form. The Headteacher will acknowledge receipt of the complaint within 5 school days¹.

The Headteacher has 20 school days from the date of submission in which to conduct an investigation and respond in writing to the Complainant.

5.4.1.2. Investigating the Complaint.

The Headteacher will investigate the complaint or may appoint a suitable qualified individual (**the Investigator**) to do this on their behalf.

In investigating the complaint, the Headteacher/Investigator will establish what has happened to give rise to the complaint and who has been involved.

In conducting the investigation, the Investigator/Headteacher/Chair of Governors, will:

- Meet the individual making the complaint to discuss their concern, ensuring that they are interviewed sensitively, openly, transparently and thoroughly, to establish the circumstances of the complaint and to clarify what they would regard to be an appropriate resolution to the problem.
- Interview any individual complained of, and any key witnesses, with an open mind, allowing them to be accompanied if they wish.
- Conduct communications with all parties in plain and clear language.
- Consider all records, evidence and relevant information provided..
- Keep notes of interviews or arrange for an independent note taker to record minutes of meetings.
- Be mindful of timescales and ensure that all parties involved are aware of these timescales.
- Analyse all information in a comprehensive and fair manner
- Prepare a report on the findings of the investigation.

¹ 'School days' are days when the school is in session. This excludes weekends, holidays and Teacher Training Days.

- Liaise with the individual responsible for handling the complaint (Headteacher or Chair of Governors) or directly with the School Business Manager to ensure that all documentation relating to the investigation is retained securely in line with [para. 6](#) of this policy.

The report from the investigation should be comprehensive, and should:

- Summarise the complaint(s) and Complainants desired outcome(s).
- Summarise the conduct of the investigation, identifying the individuals interviewed and the documentation and records reviewed.
- Set out the facts, as understood from interviews and the written evidence available.
- Make recommendations on any courses of action which might resolve the complaint, and identify any lessons for the school arising from the complaint.

5.4.1.3. Formally Responding to the Complaint.

In responding formally to the Complainant, basing a decision on the investigation findings, **the Headteacher** will:

- Summarise the complaint.
- Summarise the conduct of the investigation and the findings from the investigation.
- Agree that the complaint is fully or partly justified and offer one or more of the following:
 - an apology.
 - an explanation.
 - an admission that the situation could have been handled differently.
 - an assurance that the event complained of will not recur, and an explanation of the steps that have been taken to ensure that it will not happen again.
 - an undertaking to review policies and practice in light of the complaint, and to ensure that any lessons learned by the school from the investigation are implemented.
- **Or** judge the complaint to be unfounded or unsubstantiated.
- Advise the person making the complaint of the options open to them to escalate the complaint to Stage 2 (see [para 5.4.3.](#) below) if they are not satisfied with the outcome.

5.4.2. Stage 1 Complaints about the Headteacher

Complaints where the Headteacher is the subject of the complaint, or one of the subjects, are investigated and considered by **the Chair of Governors** (or an Investigator appointed by the Chair) rather than the Headteacher.

The complaint submission should be addressed to the [Chair of Governors](#). In all other respects, the timescales and process for submission, the contents of the submission, and the conduct of the investigation and investigation report will all be as described in [para. 5.4.1.](#) above.

5.4.3. Stage 2 Complaints

Stage 2 applies when the person making the original complaint feels that it was not satisfactorily addressed at Stage 1 and therefore wishes it to be investigated further.

The Chair of Governors is responsible for this Stage*. He or she will review the conduct of the Stage 1 investigation and the response to the Stage 1 complaint, taking into account any new evidence relating to the original complaint submitted by the Complainant in the Stage 2 submission.

The Stage 2 process will only consider the original complaint(s). Any new complaints must first go through the Stage 1 process.

* Where the Chair of Governors has personally handled Stage 1 of the Stage 2 complaint (for example, where the Headteacher is the/a subject of the complaint), or has been closely involved in the circumstances surrounding the complaint, he or she will identify another governor to manage Stage 2.

5.4.3.1. Submitting the Stage 2 Complaint.

The Complainant should deliver their complaint to the School Office, in hard copy, within 10 school days of receipt of the formal written response to the Stage 1 complaint. The submission should be addressed to the Chair of Governors, to whom it will be forwarded by the Clerk to the Governors. An email copy of the submission may be sent direct to the Clerk to the Governors.

School Office staff will provide the Complainant(s) with an email address for the Clerk, on request.

The Complainant should ensure that their submission includes the following:

- The original completed Complaints Form.
- The supporting material included with the original Stage 1 submission.
- A covering letter, which should:
 - Confirm that the Complainant remains dissatisfied following Stage 1.
 - Request a review of their complaint and the formal response to it.
 - From their perspective, explain why the Stage 1 response has not resolved matters and what outcomes would resolve matters satisfactorily.
- Any new evidence supporting the complaint.

The Clerk to the Governors will acknowledge receipt of the complaint and forward it to the Chair of Governors within 3 school days.

The Chair of Governors will acknowledge receipt within 5 school days of submission and has 20 school days in which to review the complaint and respond formally in hard copy to the Complainant.

5.4.3.2. Reviewing the Complaint.

The Chair of Governors will:

- Review all the material in the Stage 2 submission, paying particular attention to any new evidence.
- Review the conduct and findings of the Stage 1 investigation and conduct any interviews necessary arising from any new evidence.
- Review the Headteacher's response to the complaint.

5.4.3.3. Responding to the Complaint.

The Chair of Governors will respond formally, in hard copy, to the person making the complaint.

The response will:

- Summarise the reasons why the Stage 1 response was felt to be unsatisfactory by the person making the complaint.
- Summarise how they have conducted the review of Stage 1.
- Summarise the findings of their review, including from any new evidence provided at Stage 2.
- Uphold the response to the Stage 1 investigation in whole or in part,
- And/or offer one or more of the following:
 - an apology
 - an explanation

- an admission that the situation could have been handled differently
- an assurance that the event complained of will not recur, and an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies and practice in light of the complaint and to ensure that any lessons learned by the school from the investigation are implemented.
- Advise the person making the complaint of the options open to them to escalate the complaint to Stage 3 (see [para 5.4.4.](#) below) if they are not satisfied with the outcome of the Stage 2 review.

5.4.4. Stage 3 Complaints – Review by a Complaints Appeal Panel (CAP)

This Stage is initiated by the Clerk to the Governors and managed by the Chair of the Appeal Panel. It applies when the person making the original complaint feels that it was not satisfactorily addressed either at Stage 1 or Stage 2 and therefore wishes formally to appeal. The appeal is to the Governing Body, which will be represented by a panel of three governors appointed by the Chair of Governors, who have not been involved in the circumstances of the complaint at any previous stage, and are impartial. They will form the Complaints Appeal Panel (CAP) to consider the appeal.

The aim of the Complaints Appeal Panel is always to resolve the complaint to the satisfaction of all parties.

5.4.4.1. Submitting the Stage 3 Complaint.

Submissions should be in hard copy, addressed to the Clerk to the Governors and delivered to the School Office within 10 school days of receipt of the formal written response to the Stage 2 complaint. An email copy may be sent direct to the Clerk to the Governors, for whom School Office staff will provide an email address.

The Complainant should ensure that their appeal submission includes the following:

- The original completed Complaints Form.
- The supporting material included with the original Stage 1 submission and any new evidence submitted at Stage 2.
- A covering letter, which should:
 - Confirm that they remain dissatisfied following Stage 2 and that they wish to appeal its outcome.
 - From their perspective, explain why the Stage 2 response has not resolved matters and what outcomes would resolve matters satisfactorily.
- If relevant to the appeal, any new evidence supporting the complaint.

5.4.4.2. Arranging the CAP meeting.

The Clerk to the Governors will:

- Inform the Chair of Governors that a Stage 3 submission has been received and liaise with him/her to appoint three impartial governors to a Complaints Appeal Panel, identifying the Chair of the Panel from the outset.²

² If the whole governing board is aware of the substance of the complaint at this stage, an independent panel will be arranged to hear the complaint to avoid bias. If the complainant believes there is likely to be bias in the proceedings, they have the right to request independent membership of the CAP.²

- Check the submission to ensure that all the required paperwork is present.
- Acknowledge receipt of the submission within 3 school days
- Liaise with the CAP members to discuss whether they wish to deal with the complaint by inviting the parties involved to a meeting, rather than through written representations from those parties.
- Make arrangements for the CAP meeting, which should be held within 20 school days of receiving the appeal request. In doing so, the Clerk should make all reasonable provision to accommodate any reasonable constraints on the attendance of all those involved. If it is not possible to convene the meeting within 20 school days, the Clerk will provide an anticipated date and keep the Complainant and all other parties 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 based on written submissions from both parties.
- (At least 10 school days before the meeting):
 - Confirm and notify all parties of the date, time and venue of the meeting, ensuring that the venue and proceedings are accessible and - in the case of those involved in the complaint – inviting them to provide any additional information relating to the complaint, by a specified date in advance of the meeting.
 - Inform those attending that the CAP will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- (At least 5 school days before the meeting) circulate all written material to all parties. This will include an agenda for the meeting, the complaint submission, the formal responses at Stages 1 and 2 and all material submitted in evidence by the parties to the complaint.

Where appropriate, **the Clerk** may ask for support from Governor Services at the Local Authority.

5.4.4.3. Conduct of the CAP meeting.

This will be held in private. Representatives from the media are not permitted to attend. 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 for any exceptional electronic recording, before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the hearing, the CAP will consider the presentations from the parties involved in the complaint, the written evidence, issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The meeting's proceedings will be managed by the Chair of the CAP, who will:

- Ascertain that no member of the panel has been involved in the earlier stages of the process for reviewing the complaint or has an external interest in the outcome of the proceedings.
- Ensure that all written evidence has been seen by everyone in attendance in good time for the meeting and that it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- Explain the remit and conduct of the panel to all those present at the CAP hearing.

Complainants must provide evidence to support their request. Whilst the final decision regarding such a request will rest with the Chair of the Governing Board, it should be granted where the appearance of bias is enough to taint any decision reached.

- Ensure that the meeting is conducted in an informal manner, is not adversarial, and that all those present are treated with respect and courtesy.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Give both the complainant and the other parties involved the opportunity to state their case and seek clarity without undue interruption.
- Organise a short adjournment of the hearing if required.
- Help to provide the support necessary where the complainant is a child.

The panel deliberations and decisions will take place after the parties involved in the complaint have left the meeting.

All parties involved in the complaint will be given the opportunity to put their case across and discuss any issues. This will take place in the following order:

- **The Complainant** will explain their complaint.
- **The Headteacher** and **members of the panel** (in that order) may question the Complainant about their complaint.
- **The Headteacher** will explain the reasons for their response to the complaint.
- **The Complainant** and **members of the panel** (in that order) may question the Headteacher about their response to the complaint.
- **The Complainant, Headteacher** and **panel** may question any key witnesses who have been prior approved by the chair of the panel to attend.
- **Both parties** will be invited to make final summary statements..

At the meeting, **the Clerk** will:

- Record the proceedings in the form of minutes. The final minutes are a summary of the procedure followed and the discussions taking place at the meeting, before the deliberations and decision of the panel.
- Take full and comprehensive notes of the deliberations of the CAP and its decisions, which will be included in the Complaint Record but not form part of the minutes.
- For fact-checking purposes only, make confidential draft minutes available to all who attended the meeting.
- Finalise the minutes in light of comments from the fact-checking exercise.

5.4.4.4. The CAP outcome

Members of the CAP will:

- Consider the complaint, all the evidence presented and the options open to them in making their decision.
- Decide to uphold the complaint in whole or in part, or to dismiss the complaint in whole or in part.

- If the complaint is upheld in whole or in part, decide on the appropriate action to be taken to resolve the complaint and, if appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

Within 10 school days of the CAP meeting, the Chair of the CAP will provide the Complainant with a written response explaining the panel's findings and recommendations and details of the right of appeal to the School Complaints Unit. This will be copied to the Chair of Governors.

As soon as possible after the minutes of the CAP have been approved, the Clerk will send any individual(s) complained about an approved summary of the panel's findings and recommendations, along with the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

The Clerk will ensure that all material considered by the Complaints Panel, the minutes and notes of the discussion and the written response from the CAP Chair are submitted to the School Business Manager for inclusion in the Complaint Record.

5.4.5. Final Stage – Appeal to the Schools Complaints Unit (SCU)

If the Complainant is dissatisfied with the outcome of the school's complaints procedure, they may refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the Secretary of State.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy, and any other relevant statutory policies that the school holds, were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may uphold the school's conduct of the complaints process and response to the complaint in whole or in part and/or direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

5.4.6. Complaints against a Governor

This procedure is handled by the Chair of Governors. The time limit for submission, the contents of the submission, the timescales and the conduct of the investigation will all be the same as described in para. 5.4.1 above, with the Chair of Governors undertaking the responsibility to investigate the complaint, either personally or through an Investigator.

Submissions should be in hard copy, addressed to the Clerk to the Governors and delivered to the School Office. An email copy may be sent direct to the **Clerk to the Governors**³. School Office staff will provide an email address for the Clerk, on request.

The Clerk to the Governors will acknowledge receipt of the complaint within 5 school days and pass the submission to the Chair of Governors for action.

Stages 2 and 3 of the complaints process will be carried out in line with paras. 5.4.3 and 5.4.4 above respectively, except that **the Chair of Governors** will appoint another governor to review and consider the Stage 2 submission.

³ An email address for the Clerk to the Governors is available from the School Office.

5.4.7. Complaints against the Chair of Governors or the Board of Governors as a whole

This procedure is handled initially by the **Clerk to the Governors** who will determine the most appropriate course of action, depending on the nature of the complaint. The time limit for submission will be as specified in [para. 5.4.1.](#) above.

Submissions should be in hard copy, addressed to the Clerk to the Governors and delivered to the School Office. An email copy may be sent direct to the **Clerk to the Governors**⁴. School Office staff will provide an email address **for** the Clerk, on request.

The Clerk to the Governors will acknowledge receipt of the complaint within 5 school days and inform the person making the complaint of the procedure for considering the complaint.

6. Keeping Records of Complaints

6.1. The Complaints Records

The school will hold all records of expressions of concern and formal complaints, centrally and securely. These will be referred to collectively as the Complaints Records.

The School Business Manager is responsible for:

- Setting up and maintaining a file for informal expressions of concern.
- Setting up a Complaints File for each formal complaint, to cover all Stages of the complaint, including any prior informal expression(s) of concern relevant to the subject of the formal complaint.
- Receiving, collating and storing the written records relating to a complaint.
- Ensuring that the records are held in line with data protection laws and privacy notices.

The following individuals, who have responsibility for handling the different stages of the process, at the conclusion of each Stage, will undertake to provide the Business Manager with hard and/or digital copies of any new written material received or generated at their Stage of the formal process, relevant to investigating or reviewing the complaint:

- The Headteacher⁵ (Stage 1)
- The Chair of Governors (Stage 1 (when relevant) and Stage 2)
- The Clerk to the Governors (Stage 3)

Material contained in the Complaints Record will be treated as confidential and stored securely in individual files for each registered Complaint or set of complaints. The contents of any individual Complaint File may be viewed only by the following:

- The **School Business Manager** in setting up and maintaining the file,
- The person(s) formally designated to investigate the complaint.

⁴ An email address for the Clerk to the Governors is available from the School Office.

⁵ The Chair of Governors in the case of at Stage 1 complaints where the Headteacher is the/a subject of the complaint and the Chair of Governors takes responsibility for handling the complaint.

- **The Headteacher** in monitoring the records in preparation for the annual report on complaints to the Governing Body.
- (Where requested) **The Secretary of State** or a body conducting a formal inspection.

6.2. The Complaint File

The “Complaint File” should include the following:

6.2.1. Expressions of Concern (Informal Stage)

- A written record of any expression of concern raised with the Headteacher, detailing the main issues, the outcome(s) being sought at the “Raising Concern” meeting, any action taken by the school as a result, and whether the individual raising the concern was satisfied by the outcome.

6.2.2. Formal Stage 1⁶

- The Complainant’s written letter to the Headteacher, the completed Complaints Form and any documentation submitted, including any covering email
- The Headteacher’s acknowledgement of receipt of the complaint.
- All appropriate evidence relating to the investigation of the complaint, including emails, CPOMs, interview notes, the investigation report.
- The Headteacher’s formal written response following the investigation.
- Any written response from the Complainant to the formal response and/or the outcome of the complaint.

6.2.3. Formal Stage 2

- The Complainant’s written letter to the Chair of Governors confirming their dissatisfaction with the response to the Stage 1 complaint, with any new documentation submitted.
- The Clerk to the Governors acknowledgement to the Complainant of receipt of the complaint.
- The Chair of Governor’s acknowledgement to the Complainant of receipt of the complaint.
- All written evidence of the Chair of Governors review of the original investigation, including: including emails, CPOMs, interview notes.
- Any written response from the Complainant to the formal response and/or the outcome of the complaint.

6.2.4. Stage 3 – Complaints Appeal Panel

- The Complainant’s written letter to the Clerk to the Governors confirming their dissatisfaction with the response to the Stage 2 complaint, with any new documentation submitted.
- The Clerk’s acknowledgement of receipt of the Stage 3 complaint.
- All correspondence between the Clerk and the Complainant relating to the complaint and the process.
- All new evidence submitted to the Complaints Appeal Panel (CAP), including: submissions, emails, CPOMs, etc.
- Minutes of the CAP meeting, written record of the CAP discussions.

⁶ In cases where the Headteacher is a/the subject of the Stage 1 complaint and it is handled by the Chair of Governors, the same records should be held as listed in [6.2.2. Formal Stage 1](#)

- The Chair of the CAP's formal written response to the Complainant, explaining the panel's findings and recommendations.
- Any written response from the Complainant to the formal response and/or the outcome of the complaint.

6.3. Monitoring Compliance

The Complaints Records will be checked by the Headteacher for completeness and a report on compliance made to Full Governing Body annually, as part of the Headteacher's Annual Report on Complaints to FGB.

7. Investigation Principles

7.1. Treatment of Children involved in a Complaint

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another independent member of staff. In the case of serious complaints, e.g. where the possibility of criminal investigation exists, the interview should only be conducted in the presence of their parents / carers. The school will ensure that the conduct of interviews does not prejudice an LA designated officer's (LADO), or police investigation. The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

If the child's parent / carer is the Complainant and the complaint reaches the Complaints Appeal Panel (CAP) Stage the Chair of the CAP should give the parent / carer the opportunity to say which parts of the meeting, if any, the child needs to attend. However, the parent / carer should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the panel members consider is not in the child's best interests. The welfare of the child is paramount.

7.2. Staff

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

7.3. Communication Difficulties or Disabilities

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point. Recording devices will not be used without the prior consent of all parties. Where the school allows complainants to record meetings, the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint if recordings are lost or leaked

8. Anonymous complaints

Barford St Peter's will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

9. Duplicate complaints

There may be some cases where, at the end of the complaints procedure, Barford St Peter's receives a duplicate complaint on the same subject from a complainant's spouse, partner, grandparent or child. The 'new' complaint will be assessed by the individual nominated to consider the original complaint, to establish whether there are new aspects to it that may not have been previously considered, or if there is any new information to consider. Any new elements of a complaint will be investigated and dealt with in line with the provisions of this policy for investigating complaints. If the individual nominated to consider the original complaint is satisfied that there are no new aspects, they will inform the new complainant of this opinion and advise the new complainant to contact the DfE if they are dissatisfied with the handling of the original complaint.

If the complainant continues to contact the school, in a disruptive way, as outlined in the parent behaviour policy, Barford St. Peter's C.E. (V.A.) Primary School reserves the right to:

- Give the complainant a single point of contact via an email address;
- Limit the number of times the complainant can make contact, such as a fixed number per term;
- Ask the complainant to engage a third party on their behalf, such as Citizens Advice;
- Stop responding to the complainant

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

10. Complaint campaigns

Occasionally, a school may become the focus of a complaint campaign and receive large volumes of complaints. For the purpose of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject.

Depending on the subject in question, Barford St Peter's may deviate from the procedure set out in this policy and would follow the advice of Warwickshire Local Authority and the DfE.

If Barford St Peter's receives multiple complaints about the same subject from complainants who are connected to the school, e.g. parents, each complainant will receive an individual response. If complainants remain dissatisfied with the school's response, they will be directed to Warwickshire Local Authority.

11. Barring from school premises

School premises are private property and therefore any individual can be barred from entering the premises. If an individual's behaviour is cause for concern, the head teacher can ask the individual to leave the premises.

The head teacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and the reasons why, subject to any representations that the individual may wish to make. If the school refers this to Warwickshire Legal Services, they will write to the parents on the school's behalf.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of governors, considering any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the head teacher or chair of governors.

12. Social Media

For complaints to be resolved as quickly and fairly as possible, Barford St Peter's requests that complainants do not discuss complaints publicly via social media including, but not limited to, Facebook, WhatsApp and Twitter. Complaints will be dealt with confidentially for those involved, and Barford St Peter's expect complainants to also observe confidentiality.

13. Complaints that Result in Staff Capability or Disciplinary Proceedings

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Head teacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

14. Complaints about our fulfilment of the 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 complainants of the outcome within 28 school days of receiving the complaint. Barford St Peter's will keep a record of the complaint and make this available to Ofsted on request. Parents / carers can notify Ofsted if they believe that the school is not meeting the Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123

4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

15. Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint at any stage, they are asked to confirm this in writing to the person responsible for managing the complaint, as explained in para. [5.2. Who will deal with the complaint?](#) above.

16. Reviewing and Monitoring the Complaints Policy and Procedures

The Headteacher will report annually to the Governing Board on complaints received in the preceding school year and the latter will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. Through the annual report, the Governing Board will track the number and nature of complaints, and review underlying issues as stated above, respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practices to help prevent similar events in the future.

The complaints procedure will be reviewed every 2 years, considering the latest guidance issued by the DfE.

A copy of this policy will be published on the school website in accordance with the School Information (England) Regulations 2008.

Barford St. Peter's C.E. (V.A.) Primary School

Together we love; together we learn



Stage 1 Complaints Form

Any person wishing to make a formal complaint against Barford St Peter's Primary School, its staff or governors, should complete this form and submit it to the School Office together with any supporting material.

1 Your name:

.....

2 Pupil's name (if relevant to the complaint):

.....

3 Your relationship to the pupil (if relevant to the complaint):

.....

4 Contact details

Day time telephone number:

Evening telephone number:.....

Email address:

5 What is your complaint? Our aim is to resolve your concerns. To help us do this we need to know exactly what your complaint is about. Please summarise the key issues for you, making it clear whether you are complaining about **an individual's behaviour** (and if so, please identify that individual)/individuals), or about a **school process** or **procedure** or **event**, or a combination of these.

6 Timeline – please *summarise* the sequence of events – in date / time order

7 What is your desired outcome? Please tell us what action you hope will be taken to resolve your complaint.

8 Are you attaching any paperwork? If so, please give us a clear description of any documents, records, policies, and any other attachments that will help us to understand your point of view and your complaint.

Signature of person making the complaint:

Date:

Official use: To be completed by School Office staff

Date completed Complaint Form received in School Office:.....

By whom: **Signature:**

Complaint Form and attachments forwarded to? (e.g. Headteacher, (Co-)Chair of Governors, Clerk to the Governors):

Date sent: **Signature:**

Received by Headteacher, (Co-) Chair of Governors, Clerk to the Governors:

Name: **Date:**

Date acknowledgement sent to person making the complaint:.....

By whom:.....

School Complaints Procedure Flowchart

