



## **West End Primary School**

**Ridge Terrace, Bedlington  
Northumberland, NE22 6EB**

**Tel: 01670 822328**

**e-mail: [admin@westend.northumberland.sch.uk](mailto:admin@westend.northumberland.sch.uk)**

# **Complaints Procedure for use by parents and members of the public**

<b>Approved by:</b>	<b>Strategic Direction Committee</b>
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# West End Primary School

## Complaints Procedure for use by parents and members of the public

### The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. West End Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case West End Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by West End Primary School, 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><li>• Statutory assessments of Special Educational Needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Northumberland County Council.
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our Child Protection & Safeguarding Policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (DO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Designated Officer – Louise Prudhoe 01670 623979 or 01670 624888 Email: <a href="mailto:LADO@northumberland.gov.uk">LADO@northumberland.gov.uk</a>  MASH – Onecall 01670 536400
<ul style="list-style-type: none"><li>• Exclusion of children from school</li></ul>	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> .

<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly 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>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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

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

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

## Complaints received outside of term time

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

## Resolving complaints

At each stage in the procedure, West End Primary School 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.

## Withdrawal of a Complaint

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

## How to raise a concern or make a complaint

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.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## Stage One: Complaint Heard by Staff Member/Head teacher/ Chair of Governors

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, all members of staff are aware of the procedures and know what to do when they receive a complaint.

In the first instance the complaint should be discussed between the person making the complaint and the member of staff involved. If a complainant indicates that they would have difficulty discussing a complaint with that particular member of staff they will be referred to another staff member. Where the complaint concerns the head teacher, or a governor, the complainant will be referred to the chair of governors if the complainant feels unable to discuss with the individual involved. Complaints against the Chair of Governors should be addressed to the Clerk to Governors via the school office.

If a member of staff/head teacher/chair of governors feels too compromised to deal with a complaint it should be referred to another member of staff or another governor. The ability to consider the complaint objectively and impartially is crucial and it is also important to give an indication of timescale if it is found that the complaint requires further investigation.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure. If a complainant first approaches a governor, they should be referred, via the Head Teacher, to the appropriate person i.e. the member of staff concerned or the chair of governors.

**Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.**

It is hoped the majority of complaints can be resolved at this informal stage and to this end it may be useful to involve the Client Relations service, within the Children's Services Directorate of the Local Authority, who are available to advise parents on the complaints process and may on occasion help to facilitate contact with the school. The School Support Service will advise the school on procedure.

## **Stage Two: Formal Consideration of Complaint**

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

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

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 15 working school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions West End Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

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

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

If the complainant is dissatisfied with the outcome of Stage 2 or the way the complaint has been handled at Stage 2 and wishes to pursue their initial complaint further, the head teacher/chair of governors may delegate the task of formally investigating the complaint to another staff member or another governor.

The head teacher/chair of governors may also, in exceptional circumstances, commission an investigating officer report to be undertaken by an external consultant. The person making the complaint should be informed that an investigation is underway and that they will receive a response within 25 working days, or a letter explaining the reason for any subsequent delay.

Once the relevant facts have been established and conclusions drawn, the head teacher/chair of governors/nominated officer will relay the decision, and the reason for the decision, in writing to the complainant.

## **Mediation (Optional stage)**

The School **may** offer the option of mediation following the investigative stage of the complaint consideration, if the complainant is not satisfied with the outcome at Stage 2, this is not instead of Stage 3 rather as an additional way of reaching agreement and securing a way forward. Complainants do not have to accept mediation nor do the school have to offer this step if it is felt to be inappropriate.

## **Stage Three: Complaint Heard by Governing Bodies Complaints Committee**

If the complainant is still dissatisfied with the outcome they should contact the head teacher/chair of governors/nominated officer giving details of the complaint within ten school days of receipt of the Stage 2 decision letter. The chair or nominated officer governor will convene a governing body complaints committee, if they consider it appropriate, after considering the report of the investigating officer and the request of the complainant - the usual practice at Stage 3 would be to convene a Panel as the complainant should be allowed to complete the complaints procedure in full.

When convened, the committee will consist of a minimum of three governors with delegated powers. The committee will be appointed by the chair of governors with the chair of the committee being appointed when they meet. The complaints committee will take a decision as to any action to be taken in response to the complaint. For example they may choose to:

- convene a hearing at which the complainant will be invited to put forward their case. This should be held within 20 working days of the decision to hold the hearing;

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

In reaching a decision the committee may take the advice of such bodies as they see fit, in particular the Local Authority. If it is decided that it is appropriate to hold a hearing, the clerk of the complaints committee will inform both parties in writing of the decision of the committee within five school days.

The Clerk will write to the complainant to inform them of the date of the meeting.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.

If there are fewer than three governors from West End Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. It should be noted that these complaints committees are not a form of legal proceeding and therefore it is inappropriate for either the school or the complainant to bring legal representation. The exception to this would be if a member of staff, as a witness, wished to bring individual union or legal representation. If a complainant should decide to commence legal action against the school in relation to their complaint then the school would consider suspending the complaints procedure until such legal proceedings had concluded.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 15 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 10 school days before the meeting.

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.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

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

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and West End first School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by West End First School.

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 a committee of independent, co-opted governors.

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 West End Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

If, after following the school's own complaints procedure, the complainant is dissatisfied with the outcome at Stage 3, or if there are reasons why they cannot use that procedure - for example, they feel their complaint has not been or will not be given a fair consideration due to a conflict of interest – they can forward their complaint to the Department for Education, using the online [school complaints form](#).

**Making a complaint to the Department should only happen once all other routes have been followed.** The exception to this may be where there is a child protection concern, or where a child is missing education.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by West End Primary School. They will consider whether West End Primary School has adhered to education legislation and any statutory policies connected with the complaint.



The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

More information about making a complaint can be found on the DfE website:  
<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/how-to-complain>

If a complaint has been made by a number of parents and it is about a whole school issue they may, at any stage of the procedure, ask the Chief Inspector of schools to investigate their complaint. The Chief Inspector may or may not require the school's complaints procedure to be exhausted before he decides whether or not to investigate.

However, should the school become the focus of a complaint campaign; receiving a large volume of connected complaints all based on the same subject or from complainants unconnected with the school then the school reserves the right to deal with these complaints by means of either a template response or a general response posted on the school website.

A separate policy is in place in respect of serial and persistent complainants.

Reviewed 26<sup>th</sup> September 2022

This policy was ratified by the Strategic Direction Committee on [redacted] and will be reviewed every three years (or sooner in the case of changes in legislation).

Date of next review: 2025

## Complaint form

Please complete and return to *Joanna Ward* (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken. If you have difficulties completing the form please contact the school so specific arrangements to consider your complaint can be made.

Your name:

Pupil's name (if applicable):

Your relationship to the pupil (if applicable):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E mail:

Please give details of your complaint.

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

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

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

**Signature:**

**Date:**

**Official Use Only**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## ROLES WITHIN COMPLAINTS PROCEDURE

### **Complainant**

The complainant is the person who raises their issue with the school in line with the school's complaints procedure. Individuals are expected to engage with the process in an open and honest manner in order to try to reach an equitable outcome. Complainants need to consider what they would feel to be appropriate outcomes from the process. Complainants must not try to pursue their complaint outside the process as this can cause difficulties in accessing sufficient individuals without connections to the complaint if too many people are contacted at the initial stages.

### **Initial Contact**

Anyone who is contacted by the complainant would be the initial contact - the only role this person would have within the process would be to ensure that the complainant had a copy of the complaints procedure and how to move this forward. No discussion of the actual complaint should take place other than to identify who the complaint should properly be addressed to.

### **Stage 1 Contact**

The complaints procedure expects that all complaints should be resolved at the earliest opportunity with the person most associated with the allegation being made - this could be a class teacher or other member of staff. A face to face discussion would usually be the first step and many complaints can be brought to a conclusion at this stage. Otherwise, the Headteacher might take this role if the member of staff or the complainant is not comfortable with the usual arrangements. Exceptionally, if the complaint is about the Headteacher and they are not able to participate in the Stage 1 discussion, the Chair of Governors might take this role or delegate to another appropriate Governor.

### **Nominated Officer**

Depending on the level at which the Stage 1 discussion is held, this role may be taken by a senior leader; the Head Teacher; a Governor designated by the Chair or the Chair of Governors themselves. The role of Nominated Officer would be to commission an investigation report from an Investigating Officer. The Nominated Officer would prepare a brief for the Investigating Officer to follow based on the substance of the complaint. On receipt of the Investigating Officers report the Nominated Officer would draw up and send a Stage 2 Outcome Letter to the Complainant. The Nominated Officer would also consider the appropriate response to complainants not satisfied at Stage 2. The Nominated Officer would also present the school case to the Panel at Stage 3 should this be required.

### **Investigating Officer**

Depending on the level at which the Stage 1 discussion is held, this role may be taken by a senior leader; the Head Teacher; a Governor designated by the Chair or the Chair of Governors themselves. Exceptionally, if there is no-one with sufficient independence, an Investigating Officer may be commissioned from outside of the school but it is likely that there would be a cost to this. The Investigating Officer would interview witnesses; scrutinise documentation, formulate conclusions and draw up recommendations within a report prepared for the Nominated Officer.

### **Panel Chair or Member**

Should the complaint move to Stage 3 a Panel might be drawn up to consider the school case - both complainant and Nominated Officer would attend to present their case; each would be able to call witnesses as appropriate. The Chair of the Panel would be voted from within the panel and would be responsible for communicating the judgement to the Panel in a Stage 3 outcome letter.

### **Witnesses**

Individuals identified as having specific knowledge in respect of the complaint would be identified as potential witnesses - these witnesses would be interviewed by the Investigating Officers and statements drawn up for signature. These statements would form part of the evidence in support of the Investigating Officer's conclusions and recommendations within their report to the Nominated Officer.

### **Support for Procedure**

Schools that buy into the Clerking or Governance Advice SLA may access support from the School Support Team - Schools outside these SLA's would need to purchase such support on a "pay as you go" basis.

**Sanctions** - Complainants should understand that the purpose of having a complaints procedure is to secure better outcomes for the future; it is not a means for punitive actions against individuals. In exceptional circumstances where capability or disciplinary action might be identified as necessary, complainants would have no right of access to that information or any subsequent outcomes.