



Complaints Procedure

Date Policy Formally Agreed by Governors:
Date Policy Becomes Effective: 2016, 2019, 2020, 2021, 2023, 2024
Review Date: 2026
Person Responsible for Implementation and Monitoring: Headteacher

1. Aims

Keldmarsh Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. It is in everyone's interest that concerns and complaints are resolved at the earliest opportunity and informally wherever possible. Where this is not possible, the formal complaints procedure will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Keldmarsh Primary School aims to meet its statutory obligations when responding to complaints from parents / carers of pupils at the school, and others. When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality and with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes.

2. Roles and responsibilities

The Complainant is responsible for:

- Following these procedures
- Cooperating with the school throughout the process, and responding to deadlines and communication promptly
- Asking for assistance as and when needed
- Treating all those involved with respect
- Not publishing details about the complaint on social media, including messenger services.

The Investigator is responsible for:

- Interviewing all relevant parties and keeping notes
- Considering records and any written evidence and keep these securely
- Preparing a comprehensive report to the Headteacher or Complaints Committee, which includes the facts and potential solutions.

The Complaints Co-ordinator (Headteacher or Governor) is responsible for:

- Keeping the complainant up to date at each stage in the procedure
- Making sure the process runs smoothly by liaising with staff members, the Headteacher, Chair of Governors, Clerk and Local Authority
- Keeping records
- Being aware of issues relating to: sharing third party information and additional support needed by complainants, for example interpretation support or where the complainant is a child or young person.

The Clerk to the Governing Board is responsible for:

- Being the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arranging the complaints hearing
- Recording and circulating the minutes and outcome of the hearing

The Committee chair is responsible for:

- Chairing the meeting and ensuring that everyone is treated with respect throughout
- Making sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

3. Definitions

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

A **concern** is defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’ whereas a **complaint** is defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’

4. Scope of this complaints procedure

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned. This procedure does not cover complaints procedures relating to:

Exceptions	Who to contact
Admissions to schools Statutory assessments of SEN School reorganisation proposals	East Riding of Yorkshire Council
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. For serious concerns: safeguardingchildrenshub@eastriding.gov.uk
Exclusion of children from school	Further information about raising concerns about exclusion can be found here: Exclusions
National Curriculum content	Please contact the DfE

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.

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 Keldmarsh 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.

5. Principles for investigation

When investigating a complaint, we will try to clarify what has happened, who was involved and what the complainant deems an acceptable resolution to be. We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

6. Timescales

The complainant must raise the complaint within three months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within three months of the last incident. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period. If at any point we cannot meet the timescales we have set out in this policy, we will set new time limits with the complainant and send them details of the new deadline and explain the delay.

7. Informal concerns

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The concern should be addressed to the relevant member of staff or the Headteacher via the school office by calling 01482 873131 or emailing keldmarsh.primary@eastriding.gov.uk. The school will acknowledge informal concerns within two school days, and investigate and provide a response within five school days. The informal stage will usually involve a meeting between the complainant and the subject of the concern with the support of a member of the school leadership team, as appropriate. If the complaint is not resolved informally, it will be escalated to a formal complaint.

8. Stages of complaint (not complaints against the Headteacher or Governors)

Stage 1: Formal

Formal complaints can be raised by letter or email, over the phone, in person or by a third party acting on behalf of the complainant, as long as they have appropriate consent to do so. The complainant is asked to complete the complaint form (Appendix 1) to provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and information about what they would deem to be an acceptable resolution. If complainants need assistance raising a formal complaint, they can contact the school office.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days. They (or a designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting e.g. if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that they have the opportunity to arrange alternative accompaniment. The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days.

How to escalate a complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Governing Board within five school days of receipt of stage 1 response. Requests received outside of the timeframe will be considered in exceptional circumstances. Complaints can be escalated by contacting the Clerk to the Governing Board by letter or email, over the phone or by a third party acting on behalf of the complainant, as long as they have appropriate consent to do so. The Clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and information about what they would deem to be an acceptable resolution.

Stage 2: Review by the Governing Board

The next stage of the procedure is a review with members of the school's Governing Board's Complaints Committee, which will be formed of the first three, impartial, governors available 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 Keldmarsh Primary School available, the Clerk will source any additional, independent governors through another local school or through their Local Authority's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint. 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.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the request. If this is not possible, they will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will set a date for the meeting which will then proceed in the complainant's absence on the basis of written submissions from both parties.

At least 10 school days before the meeting, the Clerk will confirm and notify the complainant of the date, time and venue of the meeting and request copies of any further written material to be submitted to the committee at least five school days before the meeting. Any written material will be circulated to all parties at least three school days before the date of the meeting. The committee will not 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 2 of the procedure.

If the complainant is invited to attend the meeting, they may be accompanied, and should inform the school of the identity of their companion in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting e.g. if there is a conflict of interest. The school does not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

The meeting will be held in private. 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. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.

The committee will consider the complaint and all the evidence presented. They can uphold the complaint in whole or in part or 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 and 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 Keldmarsh Primary School with a full explanation of their decision and the reason(s) for it, in writing, within five school days. The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by Keldmarsh Primary School.

9. Stages of complaint against the Headteacher, a Governor or the Governing Board

Stage 1: Formal

Complaints made against the Headteacher or any member of the Governing Board should be directed to the Clerk to the Governing Board in the first instance. If the complaint is about the Headteacher or one member of the Governing Board (including the Chair or Vice-chair), a suitably skilled and impartial governor will carry out the steps at Stage 1 (set out in section 8). If the complaint is jointly about the chair and vice-chair, the entire Governing Board or the majority of the Governing Board, an independent investigator will carry out the steps in Stage 1 (set out in section 8). They will be appointed by the Governing Board and will write a formal response at the end of their investigation.

How to escalate a complaint

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Governing Board within five school days of receipt of stage 1 response. Requests received outside of the timeframe will be considered in exceptional circumstances. Complaints can be escalated by contacting the Clerk to the Governing Board by letter or email, over the phone or by a third party acting on behalf of the complainant, as long as they have appropriate consent to do so. The Clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and information about what they would deem to be an acceptable resolution.

Stage 2: Review panel

If the complaint is about the Headteacher or one member of the Governing Board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at Stage 2 (set out in section 8). If the complaint is jointly about the chair and vice-chair, the entire Governing Board or the majority of the Governing Board, a committee of independent governors will hear the complaint. They will be sourced from local schools or the Local Authority and will carry out the steps Stage 2 (set out in section 8).

Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE. The DfE 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 DfE will also look at whether the school's statutory policies adhere to education legislation. The DfE will intervene where a school has failed to act in line with its duties under education law or acted (or is proposing to act) unreasonably when exercising its functions. If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage: [DfE Complaints](#) We will include this information in the outcome letter to complainants.

10. Withdrawal of a complaint

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

11. Resolving complaints

At each stage in the procedure, Keldmarsh 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 for the situation complained of
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the situation complained of will not recur and the steps that have been or will be taken to help ensure this, including 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.

12. Unreasonable and persistent complaints

Unreasonable complaints

We recognise that most complaints raised will be valid, and therefore will treat them seriously. However, the list below shows ways in which a complaint may become unreasonable. It is not intended to be an exhaustive and it is at the discretion of the school what is deemed to be unreasonable.

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process or refuses to accept that certain issues are not within the scope of the complaints procedure

- Changes the basis of the complaint as the investigation proceeds
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint while the complaint is being dealt with
- Uses threats to intimidate or uses abusive, offensive or discriminatory language or violence or a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums with regards to the complaint
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will advise the new complainant that we have already investigated and responded to this issue, and that the local process is complete and direct them to the DfE if they are dissatisfied with our original handling of the complaint. If there are new aspects, we will follow the procedure again.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by publishing a single response on the school website or sending a template response to all of the complainants. If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

13. Steps we will take for unreasonable and persistent complaints

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible. If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- 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 to act on their behalf, such as [Citizens Advice](#)

We may stop responding to the complainant when we believe that we have taken all reasonable steps to help address concerns, we have provided a clear statement of our position and their options or if the complainant contacts us repeatedly and we believe their intention is to cause disruption or inconvenience. When we decide to 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.

14. Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. Records will be kept only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule. This material will be treated as confidential, held centrally and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the Secretary of State for Education (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

15. Learning lessons

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

16. Monitoring arrangements

The Governing Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. They will track the number and nature of complaints, and review underlying issues. The complaints records are logged and managed by the Headteacher. This policy will be reviewed by the Headteacher at least every three years. At each review, the policy will be approved by the Full Governing Board.

Appendix 1: Complaint Form

Please complete and return to Keldmarsh Primary School for the Headteacher/Chair of Governors/Clerk to the Governing Board who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name (if relevant):

Your relationship to the pupil (if relevant):

Address:

Contact number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: