

Lavington Park Federation

***Complaints Policy
and Procedures***

Based on WSCC Model documents



Reviewed by

Marie Bracey, Chair of Governors, November 2020

Signature

Next Review

November 2021

Complaints Policy

Lavington Park Federation's policy is formed from two key elements :

1. We follow West Sussex County Council's published model procedures
2. We pay due regard to the Department for Education's 'Best Practice Guidance for School Complaints Procedures 2020'.

The remainder of this document is based entirely on these two documents.

Handling complaints during the coronavirus (COVID-19 outbreak)

From the start of the autumn term 2020, DfE expects schools to respond to new and existing complaints. However, we do not expect schools to respond if a tier 4 local restriction is in place or school access is restricted due to localised cases of coronavirus (COVID-19). Schools should still, however, engage with parents and pupils where possible.

Contact [wscc](#) or call the police on 101 if you're told a child is at risk.

Schools and complainants can [contact DfE](#) for more information about school complaints.

- School staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- A complaint can be brought by a parent of a registered child at the school, any person who has been provided with a service by the school, or a member of the public from the wider community. This person becomes known as the complainant.
- Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.
- At first it may be unclear as to whether the individual is raising a question or expressing an opinion rather than making a complaint. An initial discussion about the issue may help to clarify and decide what may need to happen next.
- If the issue remains unresolved after an informal process of clarifying and attempting to resolve the issue, the initial stage of the formal complaints procedure would follow.
- The requirement to have a complaints procedure need not undermine efforts to resolve a concern informally. In most cases the class teacher will receive the first approach. It is helpful if staff are able to resolve issues immediately, including the issuing of an apology if appropriate.
- Once a complaint has been made the complainant can withdraw it at any time during the complaints process if resolved satisfactorily.
- Within Lavington Park Federation the Complaints Co-ordinator is Kathie Gyles (Administrative Assistant and Governor). This person is responsible for overseeing the school records the progress of each complaint, and the final outcome.
- A complaint may be made in person, by telephone, or in writing. A brief note of meetings and telephone calls should always be kept and a copy of any written response added to the record. They should be held centrally (and securely) in school.
- At each stage in the complaints procedure LPF will consider ways in which it might be resolved at the earliest opportunity.
- Complainants should be encouraged to state what school actions they feel might resolve their problem. An admission by the school that the matter could have been better handled is not an admission of fault or negligence.
- An effective complaints procedure will identify areas of agreement between the parties. It is equally important to clarify misunderstandings at an early opportunity to create a positive atmosphere in which to discuss any outstanding issues.
- Complaints should not be shared with the whole governing body, except in very general terms, in case a panel of governors without prior knowledge needs to be organised to investigate the complaint.
- This document will be reviewed annually by the Chair of Governors and will take into account new guidance or legislative changes as set out by the DfE.

Lavington Park Federation has added this note :

Parents discussing children with staff, and the use of social media

- Parents may make judgements about other people's children and then go on to voice their opinions with other parents or members of staff. This 'finger pointing' can be very damaging, particularly when school staff might already be working very hard to support the positive behaviour of a pupil with complex issues.
- The sharing of unfounded opinions can also be based on personal prejudices that lie beyond the school gate. Behaviour outside of school (of both children and adults) is often very different to that which takes place within school, making these situations all the more difficult to manage.
- In dealing with these situations staff may be put in a very awkward position, as refuting a parent's allegation (for instance about another child's behaviour) is likely to involve divulging information about another child or third party.
- Staff must ensure they behave even-handedly and not allow themselves to collude with a parent expressing an opinion about another child.
- Evidence suggests there is a growing trend of parents bullying staff and other pupils. This has been exacerbated by the use of social networking. It is very easy to damage a teacher's career, tarnish the reputation of a school or stigmatise a pupil through unsubstantiated cyber gossip. It could also compromise the safeguarding of children if information about them is shared online.
- Research shows that people are much less guarded about what they say online, but slander or defamation of character that takes place online is subject to the same laws and repercussions as things that might be said or written elsewhere. It must be understood that such postings can constitute a criminal offence. We will treat any such occurrences very seriously, and assist members of staff in pursuing such incidents through appropriate legal channels.

The following pages 5-15 are based on West Sussex County Council's published model Complaints Procedures

1.1 Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the Lavington Park Federation about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

1.2 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. The Lavington Park Federation 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, the Lavington Park Federation will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

1.3 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, a member of staff or the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

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.

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.

1.4 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.

1.5 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 consider complaints made outside of this time frame if exceptional circumstances apply.

1.6 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.

1.7 Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the Lavington Park Federation 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"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the appropriate team within West Sussex County Council
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH):</p> <p>The WSCC LADO can be contacted by telephone on 0330 222 6450, or by email LADO@westsussex.gov.uk</p> <p><u>Multi Agency Safeguarding Hub</u> MASH@westsussex.gov.uk Telephone: 01403 229900 Out of Hours: 0330 222 6664</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing/Confidential Reporting 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</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"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<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"> • Complaints about services provided by other providers who may use school premises or facilities 	<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"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</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 the Lavington Park Federation 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.

1.8 Resolving complaints

At each stage in the procedure, the Lavington Park Federation 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.

1.9 Withdrawal of a Complaint

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

2 Stage 1

- 2.1 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.
- 2.2 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 school days.
- 2.3 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.
- 2.4 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.
- 2.5 At the conclusion of their investigation, the Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.
- 2.6 If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

- 2.7 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Lavington Park Federation will take to resolve the complaint.
- 2.8 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
- 2.9 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 1.
- 2.10 Complaints about the chair, vice chair or member of the governing body must be made to the Clerk, via the school office.
- 2.11 If the complaint is:
- jointly about the Chair and Vice Chair or
 - the entire governing body or
 - the majority of the governing body

an independent investigator appointed by the governing body or the Chichester Diocese will consider stage 1. At the conclusion of their investigation, the independent investigator will provide a formal written response.

3 Stage 2

- 3.1 If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 - a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.
- 3.2 A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 20 school days of receipt of the Stage 1 response.
- 3.3 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 3.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 3.5 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 Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 3.6 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.
- 3.7 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 the Lavington Park Federation 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 2.
- 3.8 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.
- 3.9 If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring

legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

- 3.10** For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this 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.

- 3.11** Representatives from the media are not permitted to attend.

- 3.12** At least 5 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 2 school days before the meeting.

- 3.13** 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.

- 3.14** 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.

- 3.15** 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.

- 3.16** 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.

- 3.17** 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.

- 3.18** The Chair of the Committee will provide the complainant and the Lavington Park Federation with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

- 3.19** 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 the Lavington Park Federation.

- 3.20** 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 heard by a committee of independent governors.

- 3.21** The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Lavington Park Federation will take to resolve the complaint.

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

4 Next Steps

- 4.1 If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.
- 4.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Lavington Park Federation They will consider whether the Lavington Park Federation has adhered to education legislation and any statutory policies connected with the complaint.
- 4.3 The complainant can refer their complaint to the Department for Education online at: 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

5 Complaint Form

Please complete and return to the Headteacher / Chair of Governors (as appropriate) 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: Postcode: Day time telephone number: Evening telephone 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:

6 Roles and Responsibilities

6.1 Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

6.2 Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

6.3 Complaints Co-ordinator

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:

- sharing third party information
- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

6.4 Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

6.5 Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

6.6 Committee Members

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

Further Information is available from the Department for Education

[DfE Best practice guidance for school complaints procedures 2020](#)

Further information

Useful resources and external organisations

There are a number of different organisations that schools can approach if they require further advice on complaints handling. However, some of these organisations charge schools a fee to access information and advice.

The [Information Commissioner's Office](#) can provide advice to schools on data processing and retention.

Other resources

- [Governance handbook](#)
- [How to complain about a school](#) - advice for complainants
- [Understanding and dealing with issues relating to parental responsibility](#)
- [Controlling access to school premises](#) - guidance on access to, and barring of individuals from, school premises