# North Ealing Primary School

# Complaints Procedure

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| Committee with oversight for this policy - Resources | |
| Policy to be approved by the Resources Committee | |
| Policy last reviewed by the Resources Committee | 02/2023 |
| Policy last ratified and adopted by Full Governing Body | N/A |
| Policy / Document due for review | March 2027 |

## North Ealing Primary School Complaints procedure

### Introduction

North Ealing Primary School endeavours to provide the best education possible for all

its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised, the school intends for these to be dealt with fairly, openly, promptly and without prejudice.

In order to do so, the Governing Board of NES has agreed and adopted the following procedure which explains what you should do if you have any concerns about the School. Members of staff will be familiar with the procedure and will be able to assist you.

## 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 North Ealing Primary School 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.

## 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. North Ealing Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible and provide any reassurance that may be necessary. The school aims to foster and maintain positive relationships with parents and carers through a timely response to concerns.

The governing body of North Ealing encourages those who have concerns to first raise them with the appropriate person at school (for example, your class teacher, senior staff or the head teacher) and to work constructively with that person towards

resolving them. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the head teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head teacher 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, North Ealing Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## 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 of a complainant, as long as they have appropriate consent to do so.

A concern or complaint can be made in person, in writing or by telephone. They may also be made by someone on your behalf, as long as they have your clear consent to do so.

The majority of concerns can be resolved without resorting to the Complaints Procedure. Where you have a concern about any aspect of the School or your child's education or wellbeing, raise this with your child's class teacher via phone or in person. Ideally, your child's class teacher will be able to address your concerns on the spot, or they can arrange a meeting with you to discuss the issue.

If the issue remains unresolved, the next step is to discuss it informally with a more senior member of staff. This could include the Deputy Head teacher or Head teacher. If, following this, the issue remains unresolved, the next step is to make a formal complaint.



You should not approach individual governors to raise concerns or complaints. Governors 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 head teacher) should be made in the first instance, to the head teacher via the school office**.** Please mark them as Private and Confidential.

Complaints that involve or are about the head teacher 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.

## Anonymous complaints

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

## Time scales

Notification of a complaint should be given as soon as possible after the issue or event that directly led to the complaint occurring, and after informal attempts to seek resolution have proved unsuccessful during this period. 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.



## 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.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by North Ealing Primary School other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
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| ● Admissions to schools ● Statutory assessments of Special Educational Needs ● School reorganisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school reorganisation proposals should be raised with Ealing council admissions team |
| ● 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.<br>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). |
| ● Exclusion of children from school* | Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline exclusions/exclusions.<br>**complaints about the application of the behaviour policy can be made through the school's complaints proc* |
| ● Whistleblowing | We have an internal whistleblowing procedure |

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| | for all our employees, including temporary staff and contractors.<br><br>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.<br><br>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. |
| ● Staff grievances | Complaints from staff will be dealt with under the school's internal grievance procedures. |
| ● Staff conduct | Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.<br><br>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. |
| ● Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| ● National Curriculum - content | Please contact the Department for Education at: www.education.gov.uk/contactus |

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 North Ealing 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.

## Resolving complaints

At each stage in the procedure, North Ealing 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.

## Social media

In order for complaints to be resolved as quickly and fairly as possible, we request that you do not discuss complaints publicly via social media. Complaints will be dealt with confidentially for those involved, and we expect you to observe confidentiality also.

## Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Head teacher and/or the individual's line



manager, and any Governors involved in the proceedings. The complainants are not entitled to participate in the proceedings or receive any detail about them.

## Stage 1

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form see below admin@northealing.ealing.sch.uk ), or by telephone 02089972653

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

The head teacher 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 head teacher (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.
- Keep a log of all correspondence in relation to the complaint in accordance with data protection principles

At the conclusion of their investigation, the head teacher will provide a formal written response within 15 full school days (excluding those that fall in the school

holidays) of the date of receipt of the complaint.

If the head teacher 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 North Ealing Primary School will take to resolve the complaint.

After considering the available evidence, the head teacher can decide to; ●

uphold the complaint and direct that certain action be taken to resolve it

- uphold the complaint in part and direct that certain action be taken to resolve it
- dismiss the complaint entirely

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the head teacher, the complainant should notify the clerk to the governors (see contact details at the end of the document). The stage one process (see the formal stages below) will then commence, but with the chair of governors as the individual responsible for the investigation, rather than the headteacher.

If the complaint is about 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.

Complaints about a 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 1 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.

## Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wish to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Governing Board's Complaints Committee.

This is the final stage of the Complaints Procedure.

A written request to escalate to Stage 2 must be sent to the Clerk of Governors, via the School office, and be received within 5 clear school days of the date we consider you received our Stage 1 response (see above).

Requests for escalation to Stage 2 received outside of this time frame will only be considered if exceptional circumstances apply.

If you wish to submit additional written evidence for the Complaints Committee to consider, this must be received by the School office within 10 clear school days of the date we consider you received our Stage 1 response (see above).

The Clerk will acknowledge your request for escalation to Stage 2, and the receipt (or not) of any additional evidence submitted by you, each within 5 clear school days of the respective deadlines.

The Clerk will inform you of the three proposed Committee meeting dates and ask your preference typically within 10 clear school days of the date we consider you received our Stage 1 response (see above). The Committee will aim to convene a meeting within 20 clear school days of the deadline for your Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep you informed. If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your 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 North Ealing 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 2.

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. 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.

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.

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 7 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 5 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 North Ealing primary 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 North Ealing Primary 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 2 will be heard by a committee of independent 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 North Ealing 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.

## Next Steps

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.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by North Ealing Primary School. They will consider whether North Ealing 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, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

## Managing serial and unreasonable complaints

North Ealing Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact you have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

North Ealing Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of your contact with the school, such as, if you:

- refuse to articulate your complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuse to co-operate with the complaints investigation process;

- refuse to accept that certain issues are not within the scope of the complaints procedure;
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;



- introduce trivial or irrelevant information which you expect to be taken into account and commented on;
- raise large numbers of detailed but unimportant questions, and insist they are fully answered, often immediately and to your own timescales;
- make unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced;
- change the basis of the complaint as the investigation proceeds;
- repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuse to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seek an unrealistic outcome;
- make excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- use threats to intimidate;
- use abusive, offensive or discriminatory language or violence;
- knowingly provide falsified information;
- publish information on social media or other public forums.

You should try to limit your communication with the school that relates to the complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Head teacher or Chair of Governors will discuss any concerns with you informally before applying an '*unreasonable'* marking. If the behaviour continues, the Head teacher will write to you explaining that your



behaviour is unreasonable and ask you to change it. If you excessively contact North Ealing Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months. 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 North Ealing Primary School.

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# Complaint Form

Please complete and return to Mrs S Gordon, School Business Manager who will acknowledge receipt and explain what action will be taken. Send to admin@northealing.ealing.sch.uk

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| **Your name:** |
| **Pupil's name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:**<br><br>**Postcode:**<br>**Day time telephone number:**<br>**Evening telephone number:** |
| **Please give details of your complaint, including whether you have spoken to anybody at the school about it.** |

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| **What actions do you feel might resolve the problem at this stage?** |
| **Are you attaching any paperwork? If so, please give details.** |
| **Signature:**<br><br>**Date:** |
| **Official use** |
| **Date acknowledgement sent:** |
| **By who:** |

| |
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| **Complaint referred to:** |
| **Date:** |



# Roles and Responsibilities

## 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.

## 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:
  - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - o interviewing staff and children/young people and other people relevant to the complaint
  - o consideration of records and other relevant information
  - o 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 head teacher 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.

### **Complaints Co-ordinator** (this could be the head teacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, 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.

## 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.

## 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).



## Committee Member

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.