



Complaints Policy

October 2024

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 Hummersea 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 complaint procedure. Hummersea 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, Hummersea Primary School will attempt to resolve the issue internally, through the stages outlined within this complaint procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone.

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.

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 3 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office office@hummersea.rac.sch.uk 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 governors@redcar-cleveland.gov.uk. 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 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 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 facilities or services by Hummersea 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"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Redcar and Cleveland Council.</p>
<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 (MACH) -01642 130700 (LADO) RedcarLADO@redcar-cleveland.gov.uk MACH 01642 130700</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>

	<i>*Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. 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 Hummersea 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, Hummersea 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.

Stage One: Complaint Heard by Staff Member

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 staff will be made aware of the complaints procedure so that they know what to do when they receive a complaint.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator will consider referring the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator will refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to an individual governor, that governor will refer the complainant to the appropriate person and advise them about the procedure. Governors will 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 panel at a later stage of the procedure.

Stage Two: Complaint Heard by Headteacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action 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 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 Hummersea 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 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.

Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel

If the complainant is not satisfied that the complaint has been addressed at stages 1 or 2, the complainant needs to write to the Chair of Governors giving details of the complaint. A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 2 response. This is the final stage of the complaint procedure.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 3 request. If this is not possible, the Clerk 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 decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

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.

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

The Chair will convene a meeting of Governing Body Complaints Panel through the Clerk to the Panel. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Representatives from the media are not permitted to attend.

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, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and 7 proceedings are accessible
- request copies of any further written material to be submitted to the committee at least school 10 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 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.

Individual complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of a panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body Complaints Panel will consist of 3 governors and will have delegated powers to hear complaints. Its membership will be specified in the Governing Body's Committee Structure and may provide for a number of governors to be drawn from a pool of governors, which would normally preclude anyone who works at the school.

The panel will choose its own chair.

If there are fewer than three governors from Hummersea 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 if the complaint is:

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

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 Remit of The Complaints Appeal Panel

The panel can:

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

Roles and Responsibilities

The Role of the Clerk

The Governing Body will ensure that a Clerk is appointed to the Complaints Panel. The Clerk to the Complaints Panel will be the contact point for the complainant and will:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties;
- collate any written material and send it to the parties in advance of the hearing;
- if appropriate, meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body

The Chair of Governors will:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response, within 5 school days. The letter will explain that, if not satisfied with the outcome of the school complaints procedure, the complainant may refer their complaint to the Secretary of State for Education and Skills.

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 Hummersea Primary School will take to resolve the complaint.

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 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Hummersea Primary School. They will consider whether the

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

Vexatious Complaints

At Hummersea Primary School, we take all concerns and complaints seriously and strive to resolve them in a timely and fair manner. However, there are occasions when complaints become vexatious. This section outlines how school will deal with unreasonable or vexatious complaints in order to protect staff and ensure the school's resources are used effectively.

Definition of Vexatious Complaints

A complaint may be considered vexatious when it:

- **Is repetitive:** The same issue is raised repeatedly, despite previous investigations and responses.
- **Lacks grounds:** The complaint is unfounded or lacks credible evidence.
- **Seeks to harass:** The complaint's primary intention appears to harass, annoy, or intimidate school staff rather than seeking resolution.
- **Is excessive in scope or time:** The volume or nature of communications significantly exceeds what is considered reasonable.
- **Contains abusive language:** The complaint involves offensive, threatening, or abusive language.

This policy also covers situations where a complainant refuses to accept the school's decision on a matter or continues to pursue complaints in an unreasonable manner.

Examples of Vexatious Complaints

- Refusing to accept reasonable explanations, actions, or resolutions.
- Persisting in raising issues that have already been addressed.
- Making trivial or frivolous complaints repeatedly.
- Unreasonably escalating a complaint despite resolution attempts.
- Frequent, lengthy, or aggressive communication through different channels (letters, phone calls, emails).
- Complaints towards school to external agencies/third parties.

Procedure for Managing Vexatious Complaints

Where a complaint is identified as potentially vexatious, the following steps will be taken:

1. Initial Response

- The school will attempt to resolve the complaint through its standard complaints procedure. If a complaint is found to be unreasonable or repetitive, the complainant will be informed that the matter has been fully addressed and no further responses will be provided on the same issue.

2. Designating a Complaint as Vexatious

- If the complainant continues after the initial response, the Headteacher or senior staff will review the case. The school may formally designate the complaint as vexatious and notify the complainant in writing, explaining why no further action will be taken.

3. Communication Restrictions

The school may decide to limit or regulate future contact with the complainant. This could involve:

- Only accepting communication through one designated channel (e.g., email).
- Specifying a single point of contact at the school.
- Refusing to acknowledge any further communication regarding the same issue unless new information is presented.

4. Withdrawal of Access

- In extreme cases, if the complainant's behaviour becomes abusive, threatening, or unmanageable, the school may restrict access to school premises or take legal action if necessary. A letter will be sent to the complainant outlining any restrictions.

Appeals Process

If the complainant disagrees with the school's decision to designate their complaint as vexatious, they may appeal in writing to the Chair of Governors within 10 working days. The Chair will review the decision and respond within 15 working days. The decision of the Chair of Governors will be final.

Monitoring and Review

The school will monitor complaints to identify patterns of vexatious behaviour and ensure the policy is applied consistently and fairly. This policy will be reviewed annually by the Headteacher and Governing Body.

Policy Communication

This policy will be made available to parents, staff, and other stakeholders via the school's website and can be provided in hard copy upon request.

Hummersea Primary School is committed to providing a fair and accessible complaints process while ensuring that vexatious complaints do not disrupt the day-to-day running of the school. Our aim is to work collaboratively with parents and guardians to address any concerns constructively.

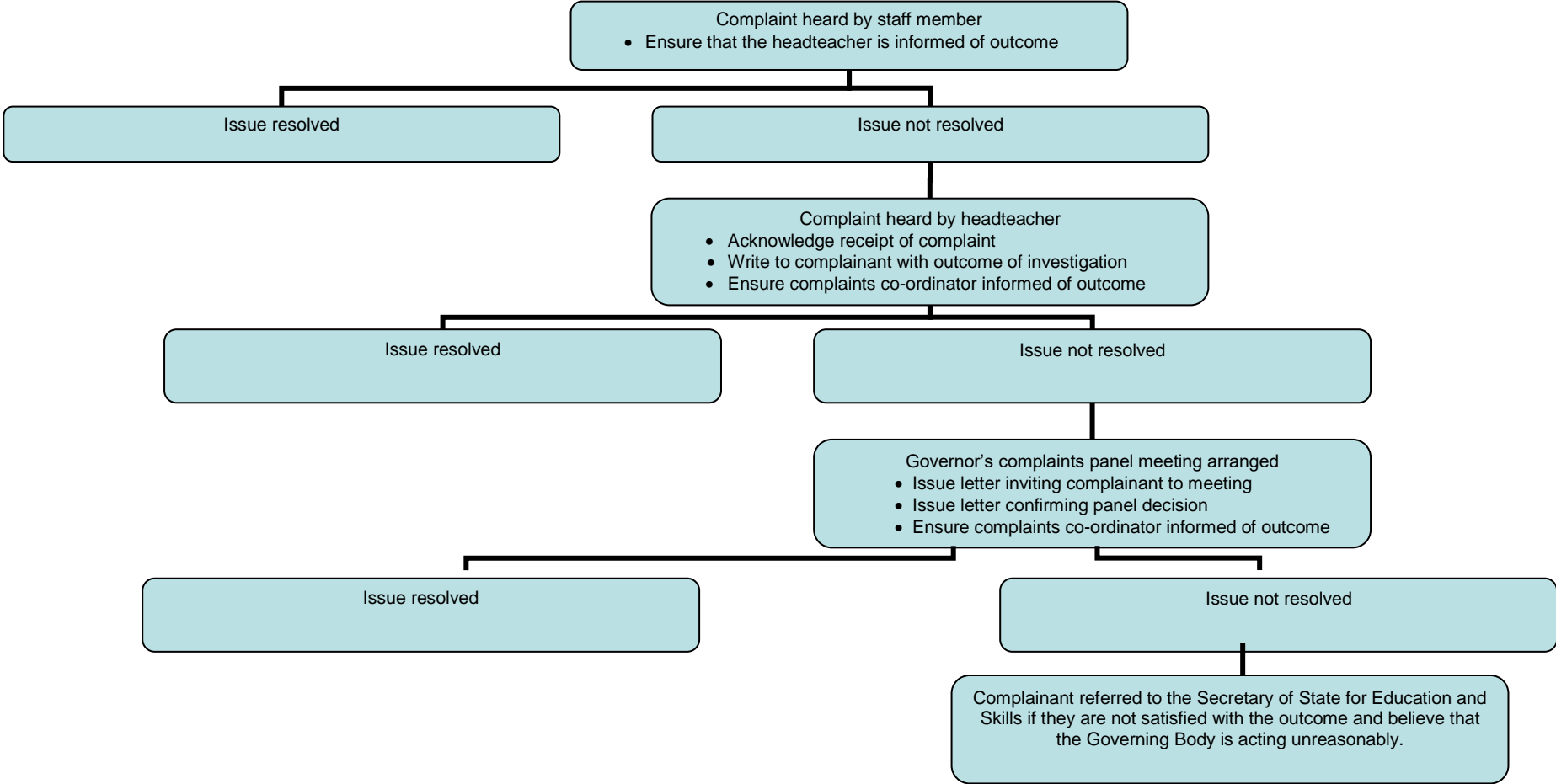
Checklist for a Panel Hearing

The panel will take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

Flowchart

Summary of Process for Dealing with Complaints



**COMPLAINT FORM
HUMMERSEA PRIMAY SCHOOL**

Please complete and return to the headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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

Date acknowledgement sent:

By who:

Complaint referred to:

Date: