

# Complaints Policy

## Al-Falah Primary School

<b>Reviewed on:</b>	<b>Jan 2023</b>
<b>Next review:</b>	<b>Jan 2025</b>

## Legal Framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

### 1. Introduction and Overview

- 1.1. Al Falah primary School's Governing body is required by law to have a procedure in place to deal with complaints relating to a school or the provision of community facilities or services at the school. The law requires that this procedure must be publicised. This policy sets out the procedure followed by our school.
- 1.2. The vast majority of complaints and concerns can be resolved informally. We take all concerns seriously and will make every effort to resolve them as quickly as possible.
- 1.3. A complaint can be brought by a parent of a registered child at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school. This procedure refers to this person as a complainant.
- 1.4. A concern or unresolved problem will be treated as a complaint only when the complainant asserts that the school has acted wrongly in some significant decision, action or failure to take action.
- 1.5. Even when a complaint has been made it can be resolved or withdrawn at any stage.
- 1.6. Our school has a **nominated complaints lead** of staff with responsibility for the operation and management of the school complaints procedure. This member of staff is M Abu Hussain. They can be contacted at [a.hussain@alfalahschool.org.uk](mailto:a.hussain@alfalahschool.org.uk). If the complaint is specifically against the Head teacher, however, please address this to Chair of the trust, S M Anas, marking your correspondence as confidential and send it to the complaints lead who will forward your complaint to the chair. **If there is a verbal complaint that has not been resolved by the head teacher, then the complainant needs to write to the Chair of Trustees, S. M. Anas, using the Complaints Form (attached below). (HT added)**
- 1.7. **Anonymous complaints** will not normally be investigated. The Head teacher or Chair of Governors may, however, determine if the complaint warrants investigation.
- 1.8. Unless exceptional circumstances can be shown, the complaint must be raised within 3 months of

the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents.

## **2. Special Circumstances**

- 2.1. Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives.
- 2.2. If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Head teacher or governing body.

## **3. Other Solutions to Complaints**

- 3.1. Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are admissions decisions, certain decisions relating to statutory assessment of special educational needs and decisions to permanently exclude a child.
- 3.2. In addition, school reorganization proposals, child protection investigations, whistleblowing, staff grievance & disciplinary issues and complaints provided by other providers who may use school premises or facilities fall outside the scope of this procedure. In the majority of cases, these issues are covered by separate policies.

## **1. Dealing with concerns informally**

- 1.1. The complainant will be given an opportunity to discuss their concern with an appropriate member of staff. This may require an appointment to be made. This person may be the Head teacher, nominated complaints lead or another senior school leader.
- 1.2. The complainant will be able to bring a friend to any discussion. The friend is there to support the individual, but would not normally be present to advocate for them.
- 1.3. At the end of the meeting, the member of staff dealing with the concern will make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.
- 1.4. This stage should be completed speedily and concluded in writing with appropriate detail.
- 1.5. Where no satisfactory solution has been found, the complainant will be informed that s/he will need to consider whether to make a formal complaint to the Head teacher. A complaint can be made in person, in writing or by telephone. To assist in this process a complaint form is provided (see Annexe A of this policy). If help is required to complete this form, please contact the school office.

## **1. Stage 1 – Referral to the Head teacher for investigation**

- 1.1. The Head teacher will acknowledge the complaint in writing within 3 school days of receipt of the complaint.
- 1.2. Whilst the Head teacher may delegate investigation of the complaint to the nominated

complaints lead or another member of the school's senior leadership team, they will still be responsible for the decision regarding the outcome of the investigation.

- 1.3. The Head teacher (or delegated investigator) may choose to meet with the complainant to supplement any information previously provided.
- 1.4. If the complaint is against a member of staff, the Head teacher (or delegated investigator) will talk to the staff member against whom the complaint has been made.
- 1.5. Where necessary, the Head teacher (or delegated investigator) will interview witnesses and take statements from those involved.
- 1.6. The Head teacher (or delegated investigator) should keep reasonable written records of meetings, telephone conversations and other documentation informing their investigation.
- 1.7. Once all the relevant facts have been established, the Head teacher (or delegated investigator) will produce a written response to the complainant. This will be agreed by the Head teacher who may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.
- 1.8. The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it should include what action the school will take to resolve the complaint.
- 1.9. Stage 1 should be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Head teacher should write to the complainant giving a revised target date.
- 1.10. Our school does not pay financial compensation as a response to complaints, although we may agree expenses for a relevant educational purpose (e.g. paying a fee for a repeat examination).

The formal stage 1 response will also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he should write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter will set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.

- 1.1. A Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint will be established to hear the complaint at stage 2. In deciding the make-up of the CAP, where possible the governing body will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. Where all (or a majority of governors) are aware of the substance of a complaint before the final stage has been completed, the Governing Body may choose to arrange for the panel hearing the complaint to be made up entirely (or include a number) of independent panel members. In this case, independent panel members may be drawn from another school's Governing Body or from the Local Authority. The CAP will agree a single member to act as panel chair.
- 1.2. The Head teacher cannot serve on the CAP. If the Chair of the Governing Body has had any prior involvement in the complaint, then the Chair will not sit on the CAP either.
- 1.3. The CAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- 1.4. The Chair of the CAP will confirm the date of the meeting with the other governor(s). We will try to

ensure this is arranged within 5 school days of receipt of the stage 2 complaint request. Where this is not possible, the Chair of the CAP will provide an anticipated date and keep the complainant informed.

- 1.5. At the same time, the Chair of the CAP will write to the complainant and Head teacher confirming the CAP meeting date, time and venue. The letter will also ask that any further written material to be submitted to the committee is done so by return.
- 1.6. If the complainant rejects the offer of 3 proposed dates, without good reason, the Clerk / Chair of the CAP will decide when to hold the meeting and it may proceed in the complainant's absence.
- 1.7. The complainant may wish to be accompanied to the meeting by a friend/representative, although we generally do not encourage either party to bring legal representatives.
- 1.8. The Head teacher will also be invited to prepare a written report for the CAP in response to the complaint.
- 1.9. All relevant correspondence and any regarding the complaint will be circulated to the CAP, the complainant and the Head teacher at least 5 school days in advance of the meeting. In exceptional circumstances, this timeframe may be less.
- 1.10. If the Head teacher and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP should be obtained in advance of the meeting.
- 1.11. It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings should be as informal as possible.
- 1.12. The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting, the CAP will need to decide to either uphold the complaint in whole or in part, or to dismiss the complaint in whole or in part.
- 1.13. If either party wishes to introduce previously undisclosed evidence or witnesses, in the interest of natural justice, the Chair of the CAP may choose to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses should not be accepted unless there is a good reason for the lateness.
- 1.14. The meeting will allow for:
  - The complainant to explain his or her complaint and the Head teacher to explain the reasons for his or her decision;
  - The Head teacher to question the complainant about the complaint and the complainant to question the Head teacher;
  - The CAP to have an opportunity to question both the complainant and the Head teacher;
  - Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and ☐

A final statement by the Head teacher and complainant.

1.15. At the end of the meeting, the complainant, Head teacher and any witnesses will be asked to leave and the CAP will consider the complaint and all the evidence presented. Where the complaint is upheld (in whole or in part), the CAP will decide on action required to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

1.16. Within 5 school days of the meeting, the Chair of CAP will send a written statement

outlining the decision with reasons to both the complainant and the Head teacher. It will also

set out how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

1.17. Stage 2 should be completed in 20 school days. However, it is recognised that this timetable may prove challenging where complaints are complex or where there are difficulties agreeing a mutually convenient CAP hearing date. In such cases, the CAP chair should write to the complainant and Head teacher giving a revised target date

## **2. Role of the Secretary of State, Department for Education**

2.1. 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.

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

2.3. The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education Piccadilly Gate  
Store Street Manchester M1 2WD

## **3. Vexatious, Serial & Persistent or Unreasonable Complaints**

3.1. There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

### **Annexe A - School Complaint Form (for Stage 1 complaints)**

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Head teacher. {If your complaint is against the Head teacher you will need to send the form to the Chair of the trust/governing body}

Your name:

Address:

Post code:

Telephone number:

Name of child:

Date of birth of child:

Relationship to child:

**What is your complaint about?**

**What would you like to happen as a result of your complaint?**

**Have you attached any supporting information? If yes, what is this?**

*Continue on a separate sheet as necessary*

**Office Use only:**

**Date complaint received:**

**How received**

**Acknowledged by**

**Date acknowledged:**

**Complaint referred to:**

**Date referred:**