



Bailey Green Primary School Together with Bailey's Butterflies

Complaints Policy

1. Purpose and Scope

- This Complaints Policy 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 Bailey Green Primary School or Bailey's Butterflies about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see section 9), we will use this Complaints Policy.

2. Responsible Party

- The Headteacher and Governing Body hold responsibility for the implementation of this policy.

3. Definitions

- 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'.

4. The Difference between a Concern and a Complaint

- 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 Policy. Bailey Green Primary School and Bailey's Butterflies take concerns very 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 member of staff. 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, Bailey Green Primary School and Bailey's Butterflies will attempt to resolve the issue internally, through the stages outlined within this Complaints Policy.

5. 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.
- Concerns should be raised with either the Class Teacher, or Headteacher. Concerns about a governor should be raised with the Chair of Governors at office@baileygreenprimary.org.uk, for the attention of Mrs Bailey. Concerns about the Chair of Governors should be directed to the Clerk to the Governing Body at lynn.LeCornu@northtyneside.gov.uk. 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 two of the policy.
- 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 the Governing Body (contact details above) via the school office *or* the Clerk to the Governing Body (contact details above). Please mark them as Private and Confidential.
- For ease of use, a template complaint form is included at the end of this policy (appendix A). If you require help in completing the form, please contact the school office. You can also ask third party organisations such as 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 Policy. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

6. Anonymous Complaints

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

7. 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.

8. 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.

9. Scope of this Complaints Policy

- This policy covers all complaints about any provision of community facilities or services by Bailey Green Primary School and Bailey's Butterflies other than complaints that are dealt with under other statutory procedures, including those listed below:
 - Admissions to school or Statutory assessment of Special Educational Needs or school reorganisation proposals - Concerns should be raised with North Tyneside Council on 0345 2000101.
 - Matters likely to require a Child Protection investigation - Complaints about child protection matters are handled under our Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding of the Multi-Agency Safeguarding Hub (MASH). Both can be contacted on 0345 2000109.
 - Exclusion of children from school - Further information about raising concerns about exclusions can be found [here](#). *Complaints about the application of the Discipline and Behaviour Policy can be made through the school's Complaints Policy.*
 - Whistleblowing - We have an internal Whistleblowing Policy for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made [here](#). Volunteer staff who have concerns about our school should complain through the school's Complaints Policy. You may also be able to complain directly to the Local Authority (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. Complainants will not be informed of any disciplinary action taken against a staff member as result of a complaint. However, the complainant will be notified that the matter is being addressed.
 - Complaints about the services provided by other providers who may use school premises or facilities - Providers should have their own complaints procedure to deal with complaints about their service. Please contact them directly.

- National curriculum content - Please contact the Department for Education [here](#).
- If other bodies are investigating aspects of the complaint, for example the police, LA safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this policy or result in the procedure being suspended until those public bodies have completed their investigations.
- If a complainant commences legal action against Bailey Green Primary School or Bailey's Butterflies 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.

10. Resolving Concerns

- The person receiving the concern (Class Teacher, Headteacher, Clerk to the Governing Body or Chair of Governors) should first consider whether the concern can be addressed informally, or if it would require further investigation to address the issue raised. In this case, the concerned party should be asked to make a formal complaint instead, preferably using the complaint form below.
- Informal concerns can usually be resolved with reassurance, answering a query, or an informal discussion. If the person receiving the concern believes that it is necessary to involve any other person in resolving the concern, they should carefully consider whether the concern is actually a complaint that requires investigation.
- In the event that any other person needs to become involved to resolve the concern, the person who has raised the concern must be informed before details of their concern are shared.

11. Resolving Complaints

- At each stage in the procedure, Bailey Green Primary School and Bailey's Butterflies want 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.

12. Withdrawal of a Complaint

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

13. Stage One

- Formal complaints must be made to the relevant person as specified in the section 'How to Raise a Concern or Make a Complaint'. This may be done in person, in writing (preferable on the Complaint Form), or by telephone.
- The complaint handler will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.
- Within this response, the complaint handler will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The complaint handler can consider whether a face to face meeting is the most appropriate way of doing this.
- If the complaint is being dealt with by the Headteacher, the Headteacher 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 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 complaint handler will provide a formal written response within 25 school days of the date of receipt of the complaint.
- If the complaint handler 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 with and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Bailey Green Primary School and Bailey's Butterflies will take to resolve the complaint.
- The complaint handler will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage two.
- 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 two.
- Complaints about the Headteacher or a member of the governing body must be made to the Clerk to the Governing Body (contact details below).
- If the complaint is jointly about the Chair and Vice Chair *or* the entire governing body *or* the majority of the governing body, stage two will be considered by an independent investigator appointed by the governing body or North Tyneside Learning Trust. At the conclusion of

their investigation, the independent investigator will provide a formal written response.

14. Stage Two

- If the complainant is dissatisfied with the outcome at stage one and wished to take the matter further, they can escalate the complaint to stage two - 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.
- A request to escalate to stage two must be made to the Clerk to the Governing Body (contact details below) within 10 school days of receipt of the stage two response.
- The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five 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 30 school days of receipt of the stage two 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.
- 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 Bailey Green Primary School and Bailey's Butterflies available, the Clerk will source any additional independent governors through another LA school or through their LA Governor Services team in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at stage two.
- 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 a union and/or legal representation.
- *Note: complaints about staff conduct will not generally be handled under this Complaints Policy. 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 15 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 10 school days before the meeting.
- Any written material will be circulated to all parties at least five 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 two 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 system or procedures to prevent similar issues in the future
- The Chair of the committee will provide the complainant and Bailey Green Primary School or Bailey's Butterflies with a full explanation of their decision and the reason(s) for it, in writing, within five school days.
- The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by the school.
- If the complaint is jointly about the Chair and Vice Chair, the entire governing body or the majority of the governing body, stage two 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 Bailey Green Primary School or Bailey's Butterflies will take to resolve the complaint.

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

15. Contact Details

- The Headteacher, Chair of Governors and Clerk to the Governing Body can be contacted at the following address:

Bailey Green Primary School
West Bailey
Killingworth Tyne and Wear
NE12 6QL

16. Next Steps

- If the complainant believes the school did not handle their complaints in accordance with the published complaints policy or they acted unlawfully in the exercise of their duties under education law, they can contact the DfE after they have completed stage two.
- The DfE will not normally investigate the substance of complaints or overturn any decisions made by the school. They will consider whether Bailey Green Primary School or Bailey's Butterflies has adhered to education legislation and any statutory policies connected with the complaint.
- The complainant can refer their complaint to the DfE online [here](#), by telephone on 0370 000 2288 or in writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

17. The Complainant

- The complainant will receive a more effective response to their complaint if they:
 - Explain the complaint in full as early as possible
 - Cooperate 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

18. The 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 and other people relevant to the complaint
 - Consideration of records and other relevant information
 - Analysing information
- Liaising with the complainant and the complaints coordinator as appropriate to clarify what the complainant feels would put things right
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- The investigator should:
 - Conduct interviews with an open mind and be prepared to persist in questioning
 - Keep notes of interviews or arrange for an independent note taker to record the 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.

19. Complaints Coordinator

- The complaints coordinator could be the Headteacher or other member of staff providing administrative support.
- The complaints coordinator should:
 - Ensure that the complaint is fully updated at each stage of the procedure
 - Liaise with staff members, the 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.
 - Be aware of where complainants may require additional support such as interpretation support or where the complainant is a child or young person.
 - Keep records.

20. Clerk to the Governing Body

- The Clerk is the contact point for the complainant and the committee 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) 2018.
 - 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 one

- 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

21. 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, particularly 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 providing it does not breach confidentiality or any individuals rights to privacy under the DPA 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, wither 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
 - Their liaise with the Clerk (and complaints coordinator, if applicable)

22. 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 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 and 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 of 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
 - The parent should be advised that agreement might not always be possible if the parent wished 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

23. Serial and Unreasonable Complaints

- Bailey Green Primary School and Bailey's Butterflies 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 complainants 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, threatening or repetitive.
- Bailey Green Primary School and Bailey's Butterflies defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as if the complainant:
 - Refuses to articulate their complaint or specify the grounds of a complaint or the outcome sought by raising the complain, despite offers of assistance
 - Refuses to cooperate with the complaints investigation process
 - Refuses to accept that certain issues are not within the scope of the Complaints Policy
 - Insists on the complaint being dealt with in ways which are incompatible with the Complaints Policy and good practice
 - Introduces trivial or irrelevant information which they expect to be taken into account and commented on

- Raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales
 - Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
 - Changes the basis of the complaint as the investigation proceeds
 - Repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed
 - Refuses to accept the findings of the investigation into that complaint where the school's Complaints Policy has been fully and properly implemented and completed including referral to the DfE
 - Seeks an unrealistic outcome
 - Makes 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
 - Uses threats to intimidate
 - Uses abusive, offensive or discriminatory language or violence
 - Knowingly provides false information
 - Publishes unacceptable information on social media or other public forums
- Complainants should try to limit their communication with the school that relates to their complaint while their 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
 - If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Bailey Green Primary School or Bailey's Butterflies causing significant levels 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 Bailey Green Primary School or Bailey's Butterflies.

Appendix A

Complaint Form

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


Your Details			
Your name		Your contact number	
Pupil's name if applicable		Your relationship to the pupil if applicable	
Your address			

Details of Your Complaint
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?

[illegible]

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



Your signature

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Date

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For Office Use

Date acknowledgement sent

By whom

--

Complaint referred to

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Date

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