



**Joy Lane Foundation Primary School,  
Oysters SRP, Oyster Bay Nursery**

# **COMPLAINTS PROCEDURE**

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Date Agreed	5 December 2022
Signed by Executive Headteacher	D J Hines
Signed by Chair of Governors:	C Graves
Date Policy to be Reviewed	January 2024

**Joy Lane Foundation Primary School**

# Complaints Procedure

## Who can make a complaint?

This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them.

Any member of the public may make a complaint to Joy Lane Foundation Primary School about any provision of facilities or services that the school provides.

Children who attend Joy Lane Foundation Primary School have their own complaints procedure drawn up using the Common Principles for a Child Friendly Complaints Process outlined by the Children's Commissioner.

Unless complaints are dealt with under separate statutory procedures, such as appeals relating to exclusions or admissions, the school 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 opportunity. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. Joy Lane Foundation Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Joy Lane Foundation 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. In cases where a complainant may be unable to raise a concern or complaint on their own behalf a third party may act for them provided they have appropriate signed consent to do and the process is agreed by all involved.

*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 such as Citizens Advice to help you.*

Initially concerns should be raised with the Class Teacher who may involve the Key Stage Head/Assistant Headteacher if it seems appropriate to do so. If the issue remains unresolved the Head of School or the Executive Headteacher may be approached for guidance and support.

If the concern still remains unresolved the next step would be to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the head teacher) should be made in the first instance, to Headteacher via the Complaints Coordinator at [businessmanager@joylane.kent.sch.uk](mailto:businessmanager@joylane.kent.sch.uk) Correspondence should be marked Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to the Clerk to the Governors at [clerk@joylane.kent.sch.uk](mailto:clerk@joylane.kent.sch.uk) Correspondence should be marked '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 Governors at [clerk@joylane.kent.sch.uk](mailto:clerk@joylane.kent.sch.uk) Correspondence should be marked Private and Confidential.

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**

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

### **Duplicate complaints**

If, after closing a complaint at the end of the Complaints Procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

### **Complaint campaigns**

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

## Timescales

Complainants 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 Joy Lane Foundation 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"><li>• Admissions to schools</li><li>• Statutory assessments of special educational needs</li><li>• School re-organisation proposals</li></ul>	Concerns about admissions, statutory assessments of special educational needs or school reorganisation proposals should be raised with the Local Education Authority.
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"><li>• Exclusion of children from school*</li></ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/school-disciplineexclusions/exclusions">www.gov.uk/school-disciplineexclusions/exclusions</a></p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>

<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The secretary of state for education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov/contactus">www.education.gov/contactus</a></p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the local authority or the DfE (see link above), depending on the substance of</p>
	<p>your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National curriculum - content</li> </ul>	<p>Please contact the DfE at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Joy Lane Foundation 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, Joy Lane Foundation 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 wishes to withdraw their complaint, we will ask them to confirm this in writing.

### Stage 1

- Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school Complaints Coordinator. This may be done in person, in writing (preferably on the complaint form), by telephone or via the Complaints Coordinator at [businessmanager@joylane.kent.sch.uk](mailto:businessmanager@joylane.kent.sch.uk)
- The Complaints Coordinator will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school working 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.

*Note: 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.

At the conclusion of their investigation, the head teacher will provide a formal written response within twenty school working days 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 Joy Lane Foundation Primary School will take to resolve the complaint.

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 or a member of the governing body, including the Chair or ViceChair, a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the head teacher or member of the governing body must be made to the Clerk to the Governors at [clerk@joylane.kent.sch.uk](mailto:clerk@joylane.kent.sch.uk)

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

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints panel, 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 2 must be made to the Clerk to the Governors, within fifteen school working days of receipt of the stage 1 response.

The Clerk to the Governors will record the date the complaint is received and acknowledge receipt of the complaint in writing, either by letter or email, within five school working 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 twenty school working days of receipt of the stage 2 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

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 panel will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide among themselves who will act as the chair of the complaints panel. If there are fewer than three governors from Joy Lane Foundation Primary School available, the clerk will source any additional, independent governors through another local school or through their local authority's governor services team, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 2.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making its decision it 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 who should not address the meeting unless agreed by the Chair of the Panel. The Panel will be sensitive to the Complainant's needs.

Representatives from the media are not permitted to attend.

At least fourteen school working 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 panel at least ten school working days before the meeting.

Any written material will be circulated to all parties at least seven school working days before the date of the meeting. The panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel 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 and minuted. Electronic recordings of meetings or conversations are not normally necessary unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before any recordings of meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented.  
The panel 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 panel 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 Panel will provide the complainant and Joy Lane Foundation Primary School with a full explanation of their decision and the reason(s) for it, in writing, within ten school working 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 Joy Lane Foundation 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 Joy Lane Foundation 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 DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by Joy Lane Foundation Primary School. They will consider whether Joy Lane Foundation Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the DfE 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

## The school's actions in cases of Unreasonable or Persistent Complaints

Joy Lane Foundation Primary School is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who complain. Anyone has the right to raise a new complaint at any time. We will not normally limit the contact complainants have with the 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.

In the first instance the school will inform the complainant in writing that their behaviour is considered to be becoming unreasonable or unacceptable and, if it is not modified, action may be taken in accordance with this policy.

If the behaviour is not modified the school will take some or all of the following actions as necessary having regard to the nature of the complainant's behaviour and the effect of this on the school community.

- Inform the complainant that their behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy.
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties.
- Inform the complainant that, except in emergencies, all routine communication between the complainant and the school will be in writing only
- In the case of verbal or physical aggression the school will take advice from HR/Legal Services and consider warning the complainant about being banned from the school site; or proceed straight to a ban.

- Consider taking advice from Legal Services on pursuing a case under Harassment legislation
- Consider taking advice from Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be permitted to deal directly with the Executive Head Teacher but only a third person to be identified by the Governing Body of the school, who will investigate, determine whether a complaint is reasonable or vexatious, advising the Head Teacher and the Governing Body accordingly. However legitimate new complaints may still be considered under the usual policy.
- If a complainant's persistent complaining/harassing behaviour is modified but resumed within a reasonable period of time the school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from HR/Legal Services

### **Statement**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school. (See Initial Equality Impact Assessment)

### **Complaint form**

Please complete and return to Complaints Coordinator at [businessmanager@joylane.kent.sch.uk](mailto:businessmanager@joylane.kent.sch.uk) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>   <b>Daytime telephone number:</b>  <b>Evening telephone number:</b>

**Please give details of your complaint, including whether you have spoken to anybody at the school about it.**

**What actions do you feel might resolve the problem at this stage?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**