



**Complaints Procedures**

It is important that parents/carers and staff respect each other’s roles and responsibilities. Staff at Zelda School work in accordance with requirements from OFSTED and the EYFS and have the welfare of the children as their main priority. Should there be any concerns or disagreements regarding the care of a child it is vital that the parent/carer address the problem with the child’s keyworker or the head teacher **as soon as it arises**.

The staff and Trustees of Zelda School work hard to create a caring and supportive community and we hope to be able to resolve any concerns or disagreements as quickly as possible in order to avoid any negative impact on the children or the community.

**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*’.

**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 Zelda School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, use this complaints procedure.

**How to raise a concern or make a complaint**

It is the intention of the staff and Trustees of Zelda School to provide the opportunity for any concern or complaint to be resolved informally. 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 on a complainant, as long as they have appropriate consent to do so.

If you have a concern or a complaint, you should initially arrange a time to speak with the class teacher or head teacher, who – with the help of the staff and Trustees if required - will make all efforts to help resolve the issue. Most problems can be put right at this stage.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Zelda School will attempt to resolve the issue internally, through the stages outlined within this Complaints procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual trustees 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 headteacher) should be made in the first instance, to Zelda Astley (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 Kathryn White(the Chair of Trustees), via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

**Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Trustees, 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 community facilities or services by Zelda School, other than complaints that are dealt with under other statutory procedures, including those listed below.

| **Exceptions** | **Who to contact** |
| --- | --- |
| * Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  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 Referral Unit (MARU). **Multi Agency Referral Unit on 0300 1231 116, the Local Area Designated Officer 01872 326536 or Out of Hours: 01208 251300** |
| * Whistleblowing | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  Ofsted is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. They can be contacted via [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk) or 0300 123 4666  Volunteer staff who have concerns about our school should complain through the school’s complaints procedure. |
| * 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 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. |

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 Zelda 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, Zelda 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 1**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

*Note: 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 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 Zelda 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 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Kathryn White(the Chair of Trustees), via the school office.

If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the governing body (Russell Davis, Parish Councilor). At the conclusion of their investigation, the independent investigator will provide a formal written response.

**Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body’s complaints committee, which will be formed of the first three, impartial, Trustees available who were not directly involved in the matters detailed in the complaint. This is the final stage of the Complaints procedure.

A request to escalate to Stage 2 must be made to the Chair of Trustees (Kathryn White), via the school office, within 10 school days of receipt of the Stage 1 response.

The Chair will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Chair will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Chair will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Chair 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 two trustees with no prior involvement or knowledge of the complaint and an independent member of the panel (Russell Davis, Parish Councilor). Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant’s needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this Complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Chair will:

* confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
* request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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

The committee will consider the complaint and all the evidence presented. The committee can:

* uphold the complaint in whole or in part;
* dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

* decide on the appropriate action to be taken to resolve the complaint;
* where appropriate, recommend changes to the school’s systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Zelda School with a full explanation of their decision and the reason(s) for it, in writing, within 28 school days. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Zelda School

If the complaint is:

* jointly about the Chair or
* the entire governing body or
* the majority of the governing body,

Stage 2 will be heard by a committee of independent Trustees or independent members of the complaints panel.

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 Zelda 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 Ofsted at any point.

To complain about a childcare provider, get in touch with Ofsted at **enquiries@ofsted.gov.uk** or 0300 123 4666. If you complain, Ofsted will review the information you provide and decide what to do. They may carry out an immediate inspection, ask the provider to take action or work with other agencies to look at any issues.

**Roles and Responsibilities**

**Complainant**

The complainant will receive a more effective response to the complaint if they:

* explain the complaint in full as early as possible;
* 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.

**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/young people and other people relevant to the complaint;
* consideration of records and other relevant information;
* analysing information;
* liaising with the complainant as appropriate to clarify what the complainant feels would put things right.

The investigator should:

* conduct interviews with an open mind and be prepared to persist in the questioning;
* keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
* ensure that any papers produced during the investigation are kept securely pending any appeal;
* be mindful of the timescales to respond;
* prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The 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.

**Complaints Co-ordinator** (this could be the headteacher / designated complaints trustee or other staff member providing administrative support).

The complaints co-ordinator should:

* ensure that the complainant is fully updated at each stage of the procedure;
* liaise with staff members, headteacher, Chair of Trustees, etc to ensure the smooth running of the complaints procedure;
* be aware of issues regarding sharing third party information;
* be aware of needs for additional support: this may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;
* keep records.

**Committee Chair**

The committee’s chair, who is nominated in advance of the complaint meeting, should ensure that:

* both parties are asked to provide any additional information relating to the complaint by a specified date in advance of the meeting;
* the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
* complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
* the remit of the committee is explained to the complainant;
* written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual’s rights to privacy under GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;
* both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
* the issues are addressed;
* key findings of fact are made;
* the committee is open-minded and acts independently;
* no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
* the meeting is minuted.

**Committee Member**

Committee members should be aware that:

* the meeting must be independent and impartial, and should be seen to be so. No Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it;
* the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations;
* many complainants will feel nervous and inhibited in a formal setting;
* Parents/carers often feel emotional when discussing an issue that affects their child.
* extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person’s parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person’s best interests.
* the welfare of the child/young person is paramount.

**Records of complaints**

All complaints and concerns are taken very seriously and records of these complaints and their outcomes will be kept for 25 years. An overview of complaint will be kept in the Accident, Incidents and Complaints File and will be recorded on the Complaints log. Reports and records will be kept in a confidential file. Ofsted will have access to these records when requested.

**Complaint Form**

Please complete and return to either Zelda Astley (headteacher) or Kathryn White (Chair of Trustees) who will acknowledge receipt and explain what action will be taken.

| **Your name:** |
| --- |
| **Pupil’s name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:**  **Postcode:**  **Day time telephone number:**  **Evening telephone number:** |
| **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:** |

**Procedures Agreed by Directors on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signed:**

**Review on:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**